

March 21, 1961

Robert J. Martineau, Esquire
Attorney at Law
1409 Mercantile Trust Building
Baltimore 2, Maryland

Dear Mr. Martineau:

In accordance with your request, we enclose herewith another certified record on appeal to the U. S. Supreme Court in the case of Dale H. Drews et al v. State of Maryland, No. 113 - September Term, 1960, together with bill for same.

With very kind regards, I am,

Sincerely yours,

Chief Deputy

vsh
cc: Joseph S. Kaufman, Esquire
Deputy Attorney General
Encls.

February 15, 1961

Robert J. Martineau, Esquire
Attorney at Law
1409 Mercantile Trust Building
Baltimore 2, Maryland

Dear Mr. Martineau:

In accordance with your request, we enclose herewith certified record on appeal to the U. S. Supreme Court in the case of Drews, et al., vs. State of Maryland, No. 113, September Term, 1960, together with bill for same.

With very kind regards, I am

Sincerely yours,

Chief Deputy

VTS/jdb

cc: Joseph S. Kaufman, Esquire
Deputy Attorney General

HARRY N. BAETJER
JOSEPH FRANCE
J. CROSSAN COOPER, JR.
JOHN HENRY LEWIN
H. VERNON ENEY
NORWOOD B. ORRICK
RICHARD W. EMORY
EDMUND P. DANDRIDGE, JR.
ARTHUR W. MACHEN, JR.
ROBERT M. THOMAS
FRANCIS D. MURNAGHAN, JR.
ROBERT R. BAIR

DAVID C. GREEN
WILLIAM J. MCCARTHY
RUSSELL R. RENO, JR.
ROBERT J. MARTINEAU
THOMAS P. PERKINS, III

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW
1409 MERCANTILE TRUST BUILDING
BALTIMORE & CALVERT STS.
BALTIMORE-2, MD.

RICHARD M. VENABLE
1839-1910
CHARLES McH. HOWARD
1870-1942
EDWIN G. BAETJER
1868-1945
TELEPHONE
PLAZA 2-6780

March 14, 1961

Virginia Tate Sandrock
Chief Deputy Clerk
Court of Appeals Building
Annapolis, Maryland

Dear Miss Sandrock:

Enclosed is a copy of the Notice of Appeal
in the case of Dale H. Drews, et al. vs. State of Mary-
land.

Thank you for arranging to prepare another
certified copy of the record in this case for me.

Very truly yours,

Robert J. Martineau

Robert J. Martineau

RJM/bah

Enclosure

IN THE
COURT OF APPEALS OF MARYLAND

SEPTEMBER TERM, 1960

NO 113

DALE H. DREWS, JOSEPH C. SHEEHAN,
JURETHA JOYNER, AND HELEN BROWN,

Appellants,

vs.

STATE OF MARYLAND,

Appellee.

NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES

I. Notice is hereby given that Dale H. Drews, Joseph C. Sheehan, Juretha Joyner and Helen W. Brown, the Appellants named above, hereby appeal to the Supreme Court of the United States from the final order of the Court of Appeals of Maryland affirming the judgments of conviction, entered herein on January 18, 1961.

This appeal is taken pursuant to 28 U.S.C.A., Section 1257(2).

Appellants were convicted of the crime of acting in a disorderly manner to the disturbance of the public peace in a place of public resort or amusement in violation of Section 123 of Article 27 of the Annotated Code of Maryland (1957 Ed.); were each sentenced to pay a fine of \$25.00 plus costs of the case; and are not now in custody or enlarged on bail.

II. The Clerk will please prepare a transcript of the

record in this cause for transmission to the Clerk of the Supreme Court of the United States and include in the transcript the following:

1. Docket entries
2. Criminal information
3. Memorandum Opinion (Hon. W. Albert Menchine)
4. Testimony
5. The opinion and order of the Court of Appeals of Maryland
6. Notice of Appeal to the Supreme Court of the United States.

III. The following questions are presented by this appeal:

1. Whether the Appellants were denied their rights under the privileges and immunities, equal protection and due process clauses of the Fourteenth Amendment of the Constitution of the United States in that they were arrested and convicted upon the request of a private owner under a statute which was interpreted by the highest court of this State to make a criminal offense the refusal to leave a place of public resort or amusement when the request to leave was based solely on the ground that the presence of the Appellants conflicted with the owner's policy that members of the Negro race should be excluded.

2. Whether the Appellants were denied their rights under the due process clause of the Fourteenth Amendment in that they were arrested and convicted for exercising their rights to freedom of expression and association in a place of public amusement.

3. Whether the Appellants were denied their rights

under the equal protection and due process clauses of the Fourteenth Amendment in that they were arrested and convicted of acting in a disorderly manner to the disturbance of the public peace without any evidence that the Appellants actually engaged in any such conduct.

4. Whether the Appellants were denied their rights under the equal protection clause of the Fourteenth Amendment in that they were arrested and convicted of acting in a disorderly manner to the disturbance of the public peace although the evidence clearly showed that others were the only persons acting in a disorderly manner and such other persons were not proceeded against by the State.

(S) Robert B. Watts
Robert B. Watts

(S) Francis D. Murnaghan, Jr.
Francis D. Murnaghan, Jr.

(S) Robert J. Martineau
Robert J. Martineau

Attorneys for Dale H. Drews, et al.,
Appellants

Address: 1409 Mercantile Trust Bldg.
Baltimore 2, Maryland

PROOF OF SERVICE

I, Joseph S. Kaufman, Deputy Attorney
General of the State of Maryland, hereby acknowledge receipt
of a copy of the foregoing Notice of Appeal to the Supreme
Court of the United States this 10th day of February, 1961.

(S) Joseph S. Kaufman

HARRY N. BAETJER
JOSEPH FRANCE
J. CROSSAN COOPER, JR.
JOHN HENRY LEWIN
H. VERNON ENEY
NORWOOD B. ORRICK
RICHARD W. EMORY
EDMUND P. DANDRIDGE, JR.
ARTHUR W. MACHEN, JR.
ROBERT M. THOMAS
FRANCIS D. MURNAGHAN, JR.
ROBERT R. BAIR

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ROBERT J. MARTINEAU
THOMAS P. PERKINS, III

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW
1409 MERCANTILE TRUST BUILDING
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BALTIMORE-2, MD.

RICHARD M. VENABLE
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TELEPHONE
PLAZA 2-6780

February 14, 1961


Mrs. Virginia T. Sandrock
Chief Deputy Clerk
Court of Appeals
Annapolis, Maryland

Dear Mrs. Sandrock:

Pursuant to our conversation yesterday, I am enclosing the revised second page of the Notice of Appeal in Drews, et al. vs. State of Maryland. You will note that the only changes I have made are the items to be included in the transcript of record. The list now includes only those portions of the record which were printed in the Appellant's **appendix** plus the opinion of the Court of Appeals and the Notice of Appeal to the Supreme Court. I have given a copy of the revised page to Mr. Kaufman, and he agrees to its substitution for the original page 2 in the Notice of Appeal.

I appreciate your calling this to my attention and advising me of the usual practice in this type of case.

Sincerely yours,


Robert J. Martineau

RJM/bah

Enclosure

HARRY N. BAETJER
JOSEPH FRANCE
J. CROSSAN COOPER, JR.
JOHN HENRY LEWIN
H. VERNON ENEY
NORWOOD B. ORRICK
RICHARD W. EMORY
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1868-1945

TELEPHONE
PLAZA 2-6780

February 10, 1961

Mr. J. Lloyd Young
Clerk
Court of Appeals of Maryland
Annapolis, Maryland

Dear Mr. Young:

Enclosed for filing please find a Notice of Appeal in the case of Drews, et al. v. State of Maryland, No. 113, this Term. Would you please prepare, certify and forward to the clerk of the Supreme Court of the United States the record in this case. The record will consist of all matters included in the record on appeal to the Court of Appeals and the opinion and Order of the Court of Appeals, together with the enclosed Notice of Appeal.

Sincerely yours,



Robert J. Martineau

RJM;mad
Enclosure

record in this cause for transmission to the Clerk of the Supreme Court of the United States and include in the transcript the following:

- Hand*
- ↓ 1. Criminal information
 - * 2. Bench warrants with Sheriff's returns
 - * 3. Summons with Sheriff's returns
 - * 4. Summons
 - ✓ 5. Memorandum Opinion (Hon. W. Albert Menchine)
 - * 6. Order for appeal to the Court of Appeals of Maryland
 - 3 ✓ 7. Testimony
 - ↓ 8. The opinion and order of the Court of Appeals of Maryland
 - 5 9. Notice of Appeal to the Supreme Court of the United States.
- 1915*

III. The following questions are presented by this appeal:

1. Whether the Appellants were denied their rights under the privileges and immunities, equal protection and due process clauses of the Fourteenth Amendment of the Constitution of the United States in that they were arrested and convicted upon the request of a private owner under a statute which was interpreted by the highest court of this State to make a criminal offence the refusal to leave a place of public resort and amusement when the request to leave was based solely on the ground that the presence of the Appellants conflicted with the owner's policy that members of the Negro race should be excluded.

2. Whether the Appellants were denied their rights under the due process clause of the Fourteenth Amendment in that they were arrested and convicted for exercising their rights to freedom of expression and association in a place of public amusement.

3. Whether the Appellants were denied their rights

3. Whether the Appellants were denied their rights public amusement.

rights to freedom of expression and association in a place of that they were arrested and convicted for exercising their under the due process clause of the Fourteenth Amendment in excluded.

5. Whether the Appellants were denied their rights the owner's policy that members of the Negro race should be the ground that the presence of the Appellants conflicted with and amusement when the request to leave was passed solely on criminal offence the refusal to leave a place of public resort interpreted by the highest court of this State to make a upon the request of a private owner under a statute which was of the United States in that they were arrested and convicted process clauses of the Fourteenth Amendment of the Constitution under the privileges and immunities, equal protection and due

I. Whether the Appellants were denied their rights
III. The following questions are presented by this appeal:
United States.

7. Notice of Appeals to the Supreme Court of the of Maryland

8. The opinion and order of the Court of Appeals
9. Testimony

10. Order for appeal to the Court of Appeals of Maryland
11. Memorandum Opinion (Hon. W. Albert Menchins)

12. Summons
13. Summons with Sheriff's returns

14. Bench warrants with Sheriff's returns
15. Criminal information

cript the following:
Supreme Court of the United States and include in the trans-
record in this cause for transmission to the Clerk of the

No. 113. Sept Term, 1960

Handwritten signature/initials

Notice of Appeal to U.S. Supreme Court

Filed: February 13, 1961

DALE H. DREWS, ET AL., : IN THE
Appellants : COURT OF APPEALS OF MARYLAND
v. :
STATE OF MARYLAND, : No. 113
Appellee : September Term, 1960
:

STIPULATION

It is stipulated by the parties to the above entitled case, through their respective counsel, that the time for filing the Appellee's brief be and it is hereby extended to and including November 7, 1960.

Francis D. Murnaghan, Jr.
Francis D. Murnaghan, Jr.
Attorney for Appellants
1409 Mercantile Trust Bldg.
Balto. 2, Md. (PL-2-6780)

also state's atty. (Hawell)

Joseph S. Kaufman
Joseph S. Kaufman
Assistant Attorney General
Attorney for Appellee
1201 Mathieson Bldg.
Balto. 2, Md. (LE-9-5413)

700/18/60 S

No. 113 - Sept. 7, 1960

1. The number of plants
 2. The number of seeds
 3. The number of fruits
 4. The number of flowers
 5. The number of leaves
 6. The number of stems

Stipulation

The stipulation is that the number of plants, seeds, fruits, flowers, leaves, and stems should be recorded for each plant. The number of plants should be recorded at the time of planting. The number of seeds should be recorded at the time of sowing. The number of fruits should be recorded at the time of harvest. The number of flowers should be recorded at the time of flowering. The number of leaves should be recorded at the time of leaf fall. The number of stems should be recorded at the time of stem breakage.

Field: Oct. 17-1960

Name of plant: *Phaseolus vulgaris*
 Location: *Field*
 Date: *Oct. 17-1960*

No. of plants: *10*
 No. of seeds: *100*
 No. of fruits: *10*
 No. of flowers: *10*
 No. of leaves: *10*
 No. of stems: *10*



STATE OF MARYLAND
STATE LAW DEPARTMENT
10 LIGHT STREET
BALTIMORE 2, MD.

August 29, 1960

Mr. Lloyd J. Young, Clerk
Court of Appeals of Maryland
Court of Appeals Building
Annapolis, Maryland

Re: Drews, et al v. State
No. 113 - September Term, 1960

Dear Mr. Young:

I enclose herewith a Stipulation extending the time for filing the Appellee's brief to and including October 17, 1960.

Very truly yours,

Joseph S. Kaufman
Joseph S. Kaufman
Assistant Attorney General

JSK:k
encl.

DALE H. DREWS, et al	:	IN THE
	:	
Appellants	:	COURT OF APPEALS OF MARYLAND
	:	
vs.	:	No. 113
	:	
STATE OF MARYLAND	:	September Term, 1960
	:	
Appellee	:	

STIPULATION

It is stipulated that the time for filing the Appellee's
Brief be, and it is hereby extended to and including October 17,
1960.

✓ Robert B. Watts
 Robert B. Watts

✓ Francis D. Murnaghan, Jr.
 Francis D. Murnaghan, Jr.

✓ Robert J. Martineau
 Robert J. Martineau

Attorneys for Appellants

✓ C. Ferdinand Sybert
 C. Ferdinand Sybert
 Attorney General

✓ Joseph S. Kaufman
 Joseph S. Kaufman
 Assistant Attorney General

Attorneys for Appellee

also
 state's atty (Kearney, III)

1960 T. App. - 113

IN THE
COURT OF APPEALS OF MARYLAND
No. 113
September Term, 1960

DALE H. DREWS, et al
Appellants
vs.
STATE OF MARYLAND
Appellee

STIPULATION

It is stipulated that the time for filing the Appellee's Brief be, and it is hereby extended to and including October 17, 1960.

Stipulation

Filed: Aug 29 - 1960

Robert B. Walters
Robert B. Walters
Francis D. Murroughan, Jr.
Francis D. Murroughan, Jr.
Robert J. Martin
Robert J. Martin

Attorneys for Appellants

C. Ferdinand Sybert
C. Ferdinand Sybert
Attorney General

Joseph S. Kellman
Joseph S. Kellman
Assistant Attorney General
Attorneys for Appellee

also see State

No. 113 - Sept. T. 1960

HARRY N. BAETJER
JOSEPH FRANCE
J. CROSSAN COOPER, JR.
JOHN HENRY LEWIN
H. VERNON ENEY
NORWOOD B. ORRICK
RICHARD W. EMORY
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1409 MERCANTILE TRUST BUILDING
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RICHARD M. VENABLE
1839-1910
CHARLES MCH. HOWARD
1870-1942
EDWIN G. BAETJER
1868-1945

TELEPHONE
PLAZA 2-6780

July 8, 1960

Mr. J. Lloyd Young
Clerk, Court of Appeals
Court of Appeals Building
Annapolis, Maryland

Re: Dale H. Drews, et al. vs. State
of Maryland. September Term,
1960. No. 113

Dear Mr. Young:

Enclosed for filing please find Appellants'
Designation of Parts of the Record to be printed.

With best personal regards,

Sincerely,

Francis D. Murnaghan, Jr. mad

Francis D. Murnaghan, Jr.

FDMjr:mad
Enclosure

1

DALE H. DREWS, et al., : COURT OF APPEALS
 vs. : OF MARYLAND
 STATE OF MARYLAND : No. 113
 : September Term, 1960

- : - : - : - : - : - : -

DESIGNATION BY APPELLANTS OF PARTS OF THE RECORD
PROPOSED TO BE INCLUDED IN THE PRINTED EXTRACT

Pursuant to Maryland Rule 828 c., Appellants hereby designate the following parts of the record to be included in the printed Extract:

1. Criminal information No. 20084.
2. Docket entries.
3. The following excerpts from the transcript of testimony:
 - A. Page 3 line 2 through page 9 line 10.
 - B. Page 9 line 17 through page 10 line 8.
 - C. Page 18 line 2 through page 67 line 12.
4. Memorandum Opinion of the learned trial judge.

Francis D. Murnaghan, Jr.
 Francis D. Murnaghan, Jr.
 1409 Mercantile Trust Building
 Baltimore 2, Maryland
 Plaza 2-6780
 Attorney for Appellants

I hereby certify that on this 8th day of July, 1960, service of the foregoing Designation by Appellants of Parts of the Record Proposed to be Included in the Printed Extract was made by mailing copies thereof to Hon. C. Ferdinand Sybert, 1201 Mathieson Building, Baltimore 2, Maryland, and to Frank H. Newell, III, Esq., Court House, Towson 4, Maryland, attorneys for Appellee.

Francis D. Murnaghan, Jr.
 Francis D. Murnaghan, Jr.
 Attorney for Appellants

0001 T. 102-111-1000

460 111-1000

DALE H. DREWS, et al., :
vs. :
STATE OF MARYLAND :
No. 113 :
September Term, 1960 :

DESIGNATION BY APPELLANTS OF PARTS OF THE RECORD
PROPOSED TO BE INCLUDED IN THE PRINTED EXTRACT

Pursuant to Maryland Rule 828 c., Appellants hereby
designate the following parts of the record to be included in
the printed Extract:

1. Criminal Information No. 20084.
2. Docket entries.
3. The following excerpts from the transcript of testimony:
 - A. Page 3 line 2 through page 9 line 10.
 - B. Page 9 line 17 through page 10 line 8.
 - C. Page 18 line 2 through page 17 line 12.
4. Memorandum Opinion of the learned trial judge.

Designation of Appellants, Re: Parical Road Street

Francis D. Murphree, Jr.
Francis D. Murphree, Jr.
1409 Mercantile Trust Building
Baltimore 2, Maryland
PLAZA 2-6780
Attorney for Appellants

I hereby certify that on this 8th day of July, 1960, service of the foregoing Designation by Appellants of Parts of the Record Proposed to be Included in the Printed Extract was made by mailing copies thereof to Hon. C. Ferdinand Sybert, 1201 Matheson Building, Baltimore 2, Maryland, and to Frank H. Newell, III, Esq., Court House, Towson 4, Maryland, attorneys for Appellee.

Francis D. Murphree, Jr.
Francis D. Murphree, Jr.
Attorney for Appellants

Filed: July 11-1960.

No. 113- Sept. T. 1960