

July 1, 1960

William H. Murphy, Esq.
Attorney at Law
12 E. Pleasant Street
Baltimore 2, Maryland

Dear Sir:

The Court has considered the "Motion to Clarify or in the Alternative to Extend an Order of the Court" in the case of Manuel M. Bernstein, et al. vs. Real Estate Commission of Maryland, et al., No. 76, September Term, 1959, and, for your information, an Order of Court was filed today in the matter.

A copy of the motion and order is enclosed herewith.

Very truly yours,

Clerk

JLY/ojr
Enclosure

cc: J. Calvin Carney, Esq.
Joseph S. Kaufman, Esq.,
Assistant Attorney General
Melvin J. Sykes, Esq.

No. 76 - Sept. 7, 1959

Motion to clarify or
in the alternative
to set an order
of the Court.

7/1/60
Mandate stayed &
pending receipt of
order from U. S. Ct.

Filed June 30 - 1960

IN THE
COURT OF APPEALS OF MARYLAND

FILED JUN 30 1960
J. LLOYD YOUNG, CLERK
COURT OF APPEALS OF MARYLAND

MANUEL M. BERNSTEIN and WARREN S. SHAW,
T/A MANNING SHAW REALTY COMPANY
Appellants,

No 76
1959

VS

THE REAL ESTATE COMMISSION OF MARYLAND and
ALLEN KLEIMAN and JEANETTE KLEIMAN, his wife,
and BERNARD CHERRY and DORA CHERRY, his wife,
Appellees.

MANUEL M. BERNSTEIN AND WARREN S. SHAW,
T/A MANNING SHAW REALTY COMPANY,
Appellants,

VS.

THE REAL ESTATE COMMISSION OF MARYLAND and
ALLENDALE-LYNDHURST IMPROVEMENT
ASSOCIATION, INC.,
APPELLEES.

MOTION TO CLARIFY OR IN THE ALTERNATIVE TO EXTEND AN ORDER
OF THE COURT

Associate Counsel

Christopher H. Foreman,
12 E. Pleasant Street
Baltimore 2, Maryland

J. Calvin Carney
3 E. Lexington Street
Baltimore 2, Maryland
Attorneys for Appellants

Counsel of Record:

William H. Murphy,
12 E. Pleasant Street
Baltimore 2, Maryland

The Appellants by their counsel, William H. Murphy and Christopher H. Foreman, herewith request this Honorable Court to clarify its Order dated the _____ day of February, 1960, in the foregoing cases for reasons hereinafter set forth:

1. That on the Motion of the Appellants this Court issued an Order stating the issuance of its Mandate in the foregoing cases pending an appeal to the Supreme Court of the United States. The Order provides that "the Mandate of this Court be stayed until the determination of the Appellant's appeal to the Supreme Court of the United States or the denial of the appeal by said court".

2. The Appellants filed an appeal, with the necessary Jurisdictional Statement to the Supreme Court of the United States as set forth in their Motion.

3. The Appellees filed a Motion to dismiss or affirm on several grounds stated therein.

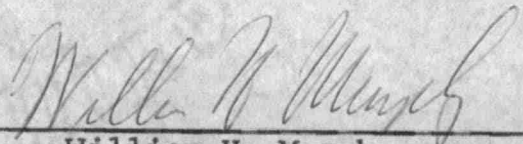
4. On the 13th day of June, 1960, the Supreme Court of the United States decided to dismiss the pending appeal for want of a substantial Federal question.

5. Pursuant to the rules of the Supreme Court of the United States, the Appellants are filing with the said Court a Motion for Reconsideration, setting forth reasons indicating the substance and importance of the Federal question presented by the appeal, and according to the said rules of the Supreme Court the Appellant's Motion must be filed on or before July 8, 1960, which is the date that the Mandate of the Supreme Court will issue to the Court of Appeals of Maryland.

6. Joseph Kaufman, Esq., Assistant Attorney General, who represented the Real Estate Commission of Maryland on this appeal, has interpreted the Order of this Court granting a stay

to the Appellants and particularly that part of the Order which states "Or the denial of appeal by said court", as authorizing the Commission to put into effect on July 1, 1960, its Order of suspension in these cases; that the effect of such action by the Commission would be to suspend the licenses of the Appellants prior to the expiration of the time within which the rules of the Supreme Court of the United States permit the filing of a Motion for reconsideration before the issuance of the Mandate of the Supreme Court of the United States to this Court, and before this Court's Mandate issues to the Commission.

Now therefore, these Appellants move this Honorable Court to issue an Order extending the stay heretofore granted until the Mandate of this Court issues or in the alternative, an Order clarifying the Order of the _____ day of February, 1960, so as to show clearly that the stay intended to remain operative until a final dismissal of these Appellant's appeal or such other final determination as the Supreme Court of the United States should make in the premises.



William H. Murphy
12 E. Pleasant Street
Baltimore 2, Maryland



Christopher H. Foreman
12 E. Pleasant Street
Baltimore 2, Maryland
Attorneys for Defendants

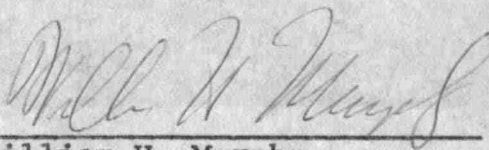
I HEREBY CERTIFY that on this 30th day of June, 1960,
a copy of the Aforegoing Motion to Clarify or in The Alternative
to Extend an Order of the Court was mailed to :

C. Ferdinand Sybert, Esquire
Attorney General, State of Maryland
1201 Mathieson Building
Baltimore 2, Maryland

Melvin J. Sykes, Esquire
616 Munsey Building
Baltimore 2, Maryland

Herbert J. Arnold, Esquire
509 Maryland Trust Building
Baltimore 2, Maryland

David Kimmelman, Esquire
123 E. Fayette Street
Baltimore 2, Maryland



William H. Murphy

ORDER

Upon the Motion of the Appellants for an Order extending the stay issued by this Court in the foregoing cases, or in the alternative for an Order clarifying the Order of the _____ day of February, 1960, it is this _____ day of June, 1960,

ORDERED that the stay of this Court granted by its Order of the _____ day of February, 1960, is extended until the Mandate of the Supreme Court of the United States in these cases issues to this Court, and the Mandate of this Court has been received by the Real Estate Commission of Maryland.

J U D G E

O R D E R

Upon the Motion of the Appellants for an Order extending the stay issued by this Court in the foregoing cases, or in the alternative for an Order clarifying the Order of the _____ day of February, 1960, it is this _____ day of June, 1960,

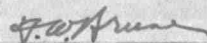
ORDERED that the Order of this Court issued on the _____ day of February, 1960, shall be clarified by substituting for the words in the said Order "or the denial of Appeal by said Court", the words "or the final determination by the Supreme Court of the United States that it shall not entertain appeal."

J U D G E

O R D E R

Upon the Motion of the Appellants for an Order extending the stay issued by this Court in the foregoing cases, or in the alternative for an Order clarifying the Order of the 11th day of February, 1960, it is this 1st day of July, 1960,

DETERMINED AND ORDERED that under the order aforesaid the stay of the mandate of this Court granted by said Order extends until the Mandate of the Supreme Court of the United States in these cases issues to this Court.



Chief Judge

March 1, 1960

Christopher H. Foreman, Esquire
Attorney at Law
413 St. Paul Place
Baltimore 2, Maryland

Dear Sir:

We enclose herewith certified papers in connection with the appeal to the Supreme Court of the United States in the case of Manual M. Bernstein, et al, etc. v. Real Estate Commission, et al, No. 76 - September Term, 1959, together with bill for preparation and certification.

Very truly yours,

Chief Deputy

VTS/vsh
Encls.

cc: Joseph S. Kaufman, Esq.
Asst. Attorney General
Melvin J. Sykes, Esquire

No. 76

September Term, 1959

Notice of Appeal
to U. S. Supreme Court

Sited: Feb. 26, 1960

LAW OFFICES
—
WILLIAM H. MURPHY
14 E. PLEASANT STREET
BALTIMORE 2, MD.
—
MULBERRY 5-5688

*1/16 Talked to Murphy
re this - P. Saeman is
handling & Murphy will
have him call me*

February 10, 1960

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

Re: Appeal No. 76
Notice of Appeal to The
Supreme Court of The
United States

Dear Mr. Young:

Enclosed herewith is Notice of Appeal to The Supreme Court of The United States in reference to the above entitled case. Please docket.

Very truly yours,

William H. Murphy
William H. Murphy

WHM/rbw

ng:2/4/60

IN THE
COURT OF APPEALS
OF MARYLAND

MANUEL M. BERNSTEIN and *
WARREN S. SHAW, T/A *
MANNING SHAW REALTY COMPANY, *
Appellants, *

v.

REAL ESTATE COMMISSION OF *
MARYLAND and ALLEN KLEIMAN *
and JEANETTE KLEIMAN, his wife *
and BERNARD CHERRY and DORA *
CHERRY, his wife, *

Appellees

FILED FEB 11 1960
J. LLOYD YOUNG, CLERK
COURT OF APPEALS OF MARYLAND

NO. 76

MANUEL M. BERNSTEIN and *
WARREN S. SHAW, T/A *
MANNING SHAW REALTY COMPANY, *
Appellants *

v.

REAL ESTATE COMMISSION OF *
MARYLAND, and ALLENDALE- *
LYNDHURST IMPROVEMENT *
ASSOCIATION, INC., *

Appellees

NOTICE OF APPEAL TO THE SUPREME COURT
OF THE UNITED STATES

I. Notice is hereby given that Manuel M. Bernstein and Warren S. Shaw, the appellants above named, hereby appeal to the Supreme Court of the United States from the final decree of the Court of Appeals of Maryland, affirming the Orders of the Baltimore City Court, which affirmed the Orders of the Real Estate Commission of Maryland, suspending the real estate brokers' licenses of the appellants for ninety days, entered in this proceeding on the 18th day of January, 1960.

LAW OFFICES
CALLEGARY, BRACKEN
& CALLEGARY
BALTIMORE 2, MD.
ESSEX 21, MD.
TOWSON 4, MD.

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

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 said transcript the following:

Docket Entries and Judgment in the Case of Manuel M. Bernstein, et al. v. Edward J. Dyas, et al. and Allen Kleiman, et al.

Complaint of Allen Kleiman, et al. v. Manuel M. Bernstein, et al., Before the Real Estate Commission of Maryland.

Answer of Manuel M. Bernstein and Warren S. Shaw, t/a Manning-Shaw Realty Co to above Complaint.

Proceedings before the Real Estate Commission of Maryland, February 3, 1959

Carl Heinmuller, Jr.
Jeanette Kleiman
Bernard Cherry
David Riddick
Judith Sykes
Manuel M. Bernstein
George A. Straughn
Joseph J. Carter
Roland H. Holmes
Harry R. Malone
Warren S. Shaw

Testimony of February 4, 1959

Warren S. Shaw (recalled)
Sidney B. Needle
John M. Deponai
Carroll F. Fitzsimmons
Hugh H. Gambrell
Carroll F. Fitzsimmons (recalled)
Arthur A. Marx
J. David Lassahn
Ellsworth E. Rosen
J. Dawson Reeder, Jr.
Warren S. Shaw (recalled)
Florence Chodak
Sergeant Viola Hill White
Evelyn Heller
Theresa Poskocil
Harry M. Ashman
Robert Strubin
Helen Dietrich
Malcolm Sherman
Warren S. Shaw (recalled)
Mrs. Bernard Turk

Testimony of February 24, 1959

C. Morton Goldstein

Ethel Havelock

Max J. Havelock

Henry Rocklin, Jr.

George A. Straughn (recalled)

Joseph Carter (recalled)

Warren S. Shaw (recalled)

Exhibit K - Affidavit of Maurice Selko

Exhibit L - Standard Contract of Sale for 2511 Ellamont
Street between Carter and Corbett

Exhibit M - Standard Contract of Sale for 2434 W. Lafayette
Ave. between Joseph Carter and Sadie Brown

Exhibit N - Standard Land Installment Contract between
Eutaw Realty Corp. and Joseph Carter and wife, 3800
Grantley Road

Exhibit O - Sheaf of Papers from Uptown Federal Savings
and Loan Association to Manning-Shaw Realty Company

Exhibit CC - Letters from Manning-Shaw to J. Calvin
Carney, and Letters from J. Calvin Carney to Belair
Road Bldg. & Loan, Parkwood Bldg. & Loan Assn.,
Royal Bldg. & Loan Assn. and Abbott Bldg. & Loan Assn.

Exhibit EE - 2 Photostats - Application for Loan to West
Baltimore Bldg. Assn.

Exhibit GG - 4 Photostats, 4 tabulation sheets (Harry M.
Ashman)

Exhibit AAA - Standard Contract of Sale between Max J.
Havelock and Ethel Havelock and Joseph Carter and
Marie A. Carter, on 3500 Ellamont Rd.

Exhibit BBB - Standard Contract of Sale between Max J.
Havelock and Ethel Havelock his wife, and Warren A.
Jones and Lillian B. Jones, his wife, for 3500 Ellamont
Road

Exhibit CCC - Settlement Sheet for 3500 Ellamont Road

Exhibit DDD - Letter from Manuel M. Bernstein to C.
Morton Goldstein, dated October 31, 1958

Exhibit FFF - Letter of Brooks-Price Company to
Melvin J. Sykes, Esq., dated February 20, 1959

Exhibit GGG - Agreement of Sale between Fred Yaffa and
Dora Yaffa and Jesse Yaffa, Seller, and Joseph J. Carter
and Marie A. Carter, his wife, Buyers, No. 2028 N.
Payson Street

Exhibit - Photograph of Dining Room

Order of the Real Estate Commission in the case of Allen Kleiman,
et al. v. Manuel M. Bernstein, et al., dated April 21, 1959.

Petition or Proceedings for Review (Filed April 28, 1959) in the Baltimore
City Court in case of Manuel M. Bernstein, et al. v. Real Estate Commis-
sion, Kleiman, et al.

Order in case of Manuel M. Bernstein, et al. v. Edward J. Dyas, Chair-
man, et al.

Order of Baltimore City Court in the case of Manuel M. Bernstein, et al.
v. Edward J. Dyas, Chairman, et al, dated April 29, 1959.

LAW OFFICES
CALLEGARY, BRACKEN
& CALLEGARY
BALTIMORE 2, MD.
ESSEX 21, MD.
TOWSON 4, MD.

Answer of Real Estate Commission of Maryland to Petition for Review in the case of Manuel M. Bernstein and Warren S. Shaw, etc. v. Edward J. Dyas, et al., and Kleiman, et al., filed May 1, 1959.

Answer of Allen Kleiman and Jeanette Kleiman, his wife, and Bernard Cherry and Dora Cherry, his wife, to Petition for Review, filed May 6, 1959.

Petition for Leave to Present Additional Evidence of Manuel M. Bernstein, et al., in the Kleiman case, filed May 6, 1959.

Petition for Leave to Present Additional Evidence, of Manuel M. Bernstein, et al., in the Kleiman case, filed May 6, 1959.

Petition for Leave to Present Additional Evidence in both Kleiman case and Allendale Lyndhurst Improvement Association case, and Exhibits.

Answer of Allen Kleiman, et al., to Petition for Leave to Present Additional Evidence, filed May 11, 1959.

Testimony in case of Allendale-Lyndhurst Improvement Association v. Manuel M. Bernstein, et al., before the Real Estate Commission of Maryland, February 25, 1959 at 10 A.M.

Manuel M. Bernstein

Warren S. Shaw

Evelyn Heller

Testimony in case of Allendale-Lyndhurst Improvement Association case, March 24, 1959 at 10 A.M.

William G. Nicholson

Manuel M. Bernstein (recalled)

Defendants' Exhibit No. 1 - Listing Contract of Manning-Shaw

Defendants' Exhibit No. 2 - Listing Contract used subsequently

Defendants' Exhibit No. 3 - Present form of Contract used by Manning-Shaw

Defendants' Exhibit No. 4 - Letter of J. Thomas Younger to Mr. William Nicholson, Dated May 7, 1956

Listing Contract attached to Letter of J. Thomas Younger

Defendants' Exhibit No. 5 - Letter of Elizabeth A. Himmer to Real Estate Commission, without date

Letter of Patricia Waller to Mrs. McGonigall, dated Sept. 1, 1955

Order of Real Estate Commission in case of Allendale-Lyndhurst Improvement Association, et al. v. Manuel M. Bernstein, et al., dated April 21, 1959.

Petition or Proceedings for Review filed April 28, 1959 in the Baltimore City Court in the case of Bernstein, et al. v. Dyas, et al. and Allendale-Lyndhurst Improvement Association.

Answer to Petition for Review of Real Estate Commission of Maryland in case of Manuel M. Bernstein, et al. v. Edward J. Dyas, et al. and Allendale-Lyndhurst Improvement Association, filed May 1, 1959.

LAW OFFICES
CALLEGARY, BRACKEN
& CALLEGARY
BALTIMORE 2, MD.
ESSEX 21, MD.
TOWSON 4, MD.

Answer to Petition for Review of Allendale-Lyndhurst Improvement Association in case of Manuel M. Bernstein, et al. v. Edward J. Dyas, et al. and Allendale-Lyndhurst Improvement Association, filed May 6, 1959.

Petition for Leave to Present Additional Evidence filed May 6, 1959 by Manuel M. Bernstein, et al. in Allendale-Lyndhurst case.

Answer to Petition for Leave to present additional evidence, filed May 11, 1959 by The Allendale-Lyndhurst Improvement Association.

Proceedings in the Baltimore City Court, May 11, and May 13, 1959.

Mrs. Margaret McGonigall

Warren S. Shaw

Second Day's Proceedings, May 13, 1959, 10:00 A.M.

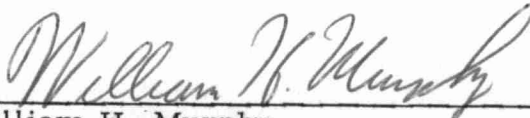
Opinion of Court (Filed June 4, 1959)

Order (Filed June 5, 1959) In the Baltimore City Court, Manuel M. Bernstein, et al., v. Real Estate Commission of Maryland and Kleiman, et al.

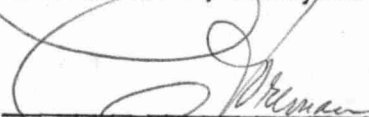
Order (Filed June 5, 1959)

III. The following questions are presented by this appeal:

Whether, consistently with the equal protection and due process clauses of the Fourteenth Amendment to the United States Constitution, the penalizing powers of the Real Estate Commission of Maryland may be invoked on complaint of private citizens whose primary motive is to prevent the sale of homes to Negroes in formerly all-white neighborhoods, and a penalty imposed (upon these appellant brokers), under statutory authority, for an alleged evil which is insubstantial and technical, as distinguished from one which is real and substantial.



William H. Murphy
12 E. Pleasant Street
Baltimore 2, Maryland



Christopher H. Foreman
413 St. Paul Place
Baltimore 2, Maryland

J. Calvin Carney

J. Calvin Carney
3 E. Lexington Street
Baltimore 2, Maryland

Attorneys for Manuel M.
Bernstein and Warren S.
Shaw, Appellants

PROOF OF SERVICE

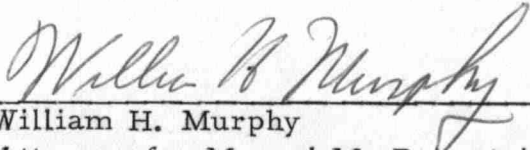
I. William H. Murphy, one of the attorneys for Manuel M. Bernstein and Warren S. Shaw, appellants herein, and a member of the Bar of the Supreme Court of the United States, hereby certify that on the _____ day of _____, 1960, I served copies of the foregoing Notice of Appeal to the Supreme Court of the United States on the several parties thereto as follows:

1. On the Real Estate Commission of Maryland, appellee herein, by mailing a copy thereof, postage prepaid, to the office of Joseph S. Kaufman, Esquire, Assistant Attorney General for the State of Maryland, 111 N. Charles Street, Baltimore 1, Maryland.

2. On the Complainants below, Allen Kleiman, Jeanette Kleiman, Bernard Cherry and Dora Cherry, appellees herein, by mailing a copy thereof in a duly addressed envelope, postage prepaid, to the office of Melvin J. Sykes, Esquire, 616 Munsey Building, Baltimore 2, Maryland, attorney for named complainants.

3. On the Complainants Allendale-Lyndhurst Improvement Association, Inc., appellees herein, by mailing a copy thereof, in a duly addressed envelope, postage prepaid, to the office of Herbert J. Arnold, Esquire, 509 Maryland Trust Building, Baltimore 2, Maryland, attorney for the Association named.

4. On the State of Maryland, by mailing a copy thereof, postage prepaid, to the office of C. Ferdinand Sybert, Attorney General of the State of Maryland, 1201 Mathieson Building, Baltimore 2, Maryland.



William H. Murphy
Attorney for Manuel M. Bernstein and
Warren S. Shaw
12 E. Pleasant Street
Baltimore 2, Maryland

No. 76
September Term, 1959

Cross-Designation of
Record to U.S. Supreme
Court

Sited - Feb. 19, 1960

OFFICE OF THE CLERK

I, Melvin C. Hayes, Attorney General of the State of Illinois, do hereby certify that the following is a true and correct copy of the record of the proceedings in the case of [Name], [Case No.], [Court], [Date].

IN SENATE
January 11, 1960
The following record is designated for transmission to the U.S. Supreme Court in the case of [Name], [Case No.], [Court], [Date].

PHILIP L. SYKES
MELVIN J. SYKES
ATTORNEYS AT LAW
616 MUNSEY BUILDING
BALTIMORE 2, MD.

February 18, 1960

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

Re: Manuel M. Bernstein, et al
v. Real Estate Commission
of Maryland, et al
No. 76

Dear Mr. Young:

I am enclosing a Cross Designation of Record to be certified to the Supreme Court of the United States in the above case, together with Proof of Service thereof.

Very truly yours,

Melvin J. Sykes

mjs:ewc
enc.

Ch. Lawrence

425- Melvin Sykes trying to find copy of 4 J. which are caused reproduction of wi play, no. 1 of transcript

IN THE
COURT OF APPEALS
OF MARYLAND

FILED FEB 19 1960
J. LLOYD YOUNG, CLERK
COURT OF APPEALS OF MARYLAND

MANUEL M. BERNSTEIN and :
WARREN S. SHAW, T/A :
MANNING SHAW REALTY COMPANY :
Appellants :

v. :

REAL ESTATE COMMISSION OF :
MARYLAND and ALLEN KLEIMAN :
and JEANETTE KLEIMAN, his wife :
and BERNARD CHERRY and DORA :
CHERRY, his wife :

Appellees :

NO. 76

MANUEL M. BERNSTEIN and :
WARREN S. SHAW, T/A :
MANNING SHAW REALTY COMPANY :
Appellants :

v. :

REAL ESTATE COMMISSION OF MARYLAND :
and ALLENDALE-LYNDHURST IMPROVEMENT :
ASSOCIATION, INC. :

Appellees :

.....

CROSS DESIGNATION OF RECORD

MR. CLERK:

Please include in the record certified to the Supreme Court of the United States in connection with the appeal in the above proceedings, the following documents:

1. Exhibit J - Transcript of hearing before the Real Estate Commission of Maryland in 1957.
2. All briefs in the Court of Appeals of Maryland, including original brief and reply brief of appellants, brief on behalf of Allen Kleiman, et al, appellees, and brief on behalf of the Real Estate Commission of Maryland, appellee.

3. All motions filed and orders signed subsequent to the filing of the opinion of the Court of Appeals of Maryland, to wit: ✓ Motion for Reargument and Stay of Mandate, etc. filed by appellants ✓ and Order of Court thereon passed January 20, 1960, and Motion of appellants and Order thereon amending Order of January 20, 1960, passed February 11, 1960.

✓ 4. Notice of Appeal.

✓ 5. This Designation and Proof of Service thereof.



Melvin J. Sykes
616 Munsey Building
Baltimore 2, Maryland
Saratoga 7-3078

Attorney for Allen Kleiman,
et al, Appellees

PROOF OF SERVICE

I, Melvin J. Sykes, attorney for Allen Kleiman, et al, appellees herein, and a member of the Bar of the Supreme Court of the United States, hereby certify that on the 18th day of February, 1960, I served copies of the foregoing Cross Designation of Record on the several parties thereto as follows:

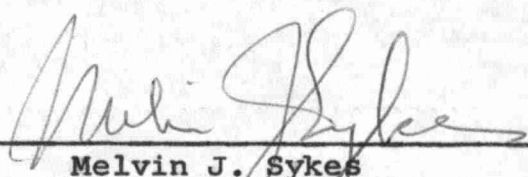
1. On the Real Estate Commission of Maryland, appellee herein, by mailing a copy thereof, postage prepaid, to the office of Joseph S. Kaufman, Esquire, Assistant Attorney General for the State of Maryland, 111 N. Charles Street, Baltimore 1, Maryland.

2. On the State of Maryland, by mailing a copy thereof, postage prepaid, to the office of C. Ferdinand Sybert, Attorney General of the State of Maryland, 1201 Mathieson Building, Baltimore 2, Maryland.

3. On William H. Murphy, Esq., attorney for Manuel M. Bernstein and Warren S. Shaw, appellants herein, by mailing a copy thereof, postage prepaid, to 12. E. Pleasant Street, Baltimore 2, Maryland.

4. On Christopher H. Foreman, Esq., attorney for Manuel M. Bernstein and Warren S. Shaw, appellants herein, by mailing a copy thereof, postage prepaid, to his office at 413 St. Paul Place, Baltimore 2, Maryland.

5. On J. Calvin Carney, Esq., attorney for Manuel M. Bernstein and Warren S. Shaw, appellants herein, by mailing a copy thereof, postage prepaid, to his office at 3 E. Lexington Street, Baltimore 2, Maryland.



Melvin J. Sykes
Attorney for Allen
Kleiman, et al, Appellees
616 Munsey Building
Baltimore 2, Maryland

February 11, 1960

Christopher H. Foreman, Esq.
Attorney at Law
413 Saint Paul Place
Baltimore 2, Maryland

Dear Mr. Foreman:

The Court has considered the "Motion to Amend Order" filed on February 3, 1960, in the case of Manuel M. Bernstein, et al. vs. Real Estate Commission of Maryland, et al.; No. 76, September Term, 1959, and, for your information, Chief Judge Brune signed the order attached thereto this date, amending the previous order of this Court of January 20, 1960.

In compliance with this order we will withhold sending the mandate in this appeal.

A copy of said order is enclosed herewith.

Very truly yours,

Clerk

9

JLY/ejr
Enclosure

cc: William H. Murphy, Esq.
J. Calvin Carney, Esq.
Joseph S. Kaufman, Esq.
Melvin J. Sykes, Esq.

February 3, 1960

Christopher H. Foreman, Esq.
Attorney at Law
413 Saint Paul Place
Baltimore 2, Maryland

Dear Mr. Foreman:

This will acknowledge receipt of your "Motion to Amend Order" in the case of Manuel M. Bernstein, et al, etc. vs. Real Estate Commission of Maryland, etc., et al, No. 76, September Term, 1959. Copies of this motion, together with the proposed order, have been mailed to the Judges, and you will be notified when action has been taken thereon.

Sincerely yours,

J. LLOYD YOUNG, CLERK
Clerk

JLY/mjl
cc: J. Calvin Carney, Esq.
Joseph S. Kaufman, Esq.
Melvin J. Sykes, Esq.

CALLEGARY & CALLEGARY

ATTORNEYS AT LAW

413 SAINT PAUL PLACE

BALTIMORE 2, MARYLAND



SARATOGA 7-1365

ESSEX OFFICE

202 EASTERN AVENUE

MURDOCK 6-3043

TOWSON OFFICE

38 W. CHESAPEAKE AVENUE

CLAUDE L. CALLEGARY
RAYMOND E. CALLEGARY
HOWARD E. FRIEDMAN
EDWARD W. MOGOWSKI
CHRISTOPHER H. FOREMAN

February 2, 1960

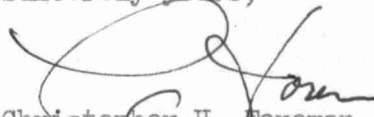
J. Lloyd Young, Esq.
Court of Appeals Building
Annapolis, Maryland

Dear Sir:

Enclosed herewith please find copies of the Appellants' Motion to Amend and Order of the Court of Appeals in case No. 76, September Term, 1959.

If there are any questions with respect to this Motion, please call me at our expense.

Sincerely yours,



Christopher H. Foreman

CHF:egp
Enclosure

No. 76 - Sept. T. 1959

Motion to amend
Order (signed on
Jan. 20 - 1960)

granted
2/11/60

Filed: Feb. 3 - 1960.

Manuel M. Bernstein and Warren S. Shaw,
t/a Manning Shaw Realty Company,

Appellants,

V.

Real Estate Commission of Maryland, and

Allen Kleiman and Jeanette Kleiman, his wife,
and Bernard Cherry and Dora Cherry, his wife,

Appellees.

FILED FEB 3 1960
J. LLOYD YOUNG, CLERK
COURT OF APPEALS OF MARYLAND

*
*
*
In The
Court of Appeals

Manuel M. Bernstein and Warren S. Shaw,
t/a Manning Shaw Realty Company,

Appellants,

V.

Real Estate Commission of Maryland, and

Allendale-Lyndhurst Improvement Association, Inc.,

Appellees.

*
*
*
No. 76
September Term, 1959

of Maryland

MOTION TO AMEND ORDER

The Appellants, by their counsel William H. Murphy and Christopher H. Foreman, herewith request this Honorable Court to amend its Order, dated the 20th day of January, 1960, in the foregoing cases for the reasons hereinafter set forth, and in the manner hereinafter stated:

1. That the motion of the Appellants for re-argument and for a stay of the effect of the Mandate of this Court in the foregoing cases, on which this Honorable Court's aforesaid Order was predicated, stated that these Appellants intended to file a Petition for the Writ of Certiorari by the Supreme Court of the United States pursuant to Maryland Rules 850, 855 and 856.

2. That the aforesaid Order of this Court provides for a stay of its Mandate until the determination of the Appellants' Petition for the Writ of

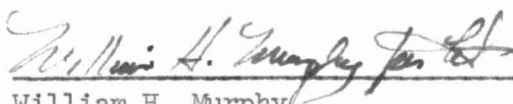
Certiorari by the Supreme Court of the United States, or the denial of a Writ of Certiorari by said Court, provided the Petition for Certiorari is filed by Appellants within thirty days from the date of the said Order.

3. That the Appellants have been advised, and therefore aver, that their right is a right of appeal to the Supreme Court of the United States, pursuant to 28 U.S.C.A. Section 1257 (2).

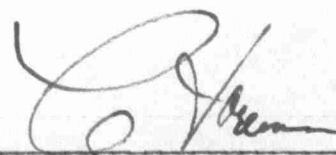
4. That in view of the foregoing these Appellants respectfully request this Honorable Court to amend the aforesaid Order by substituting therefore, in Paragraph 2 thereof, the following:

"2. That the issuance of the Mandate of this Court be stayed until the determination of the Appellants' Appeal to the Supreme Court of the United States, or the denial of Appeal by said Court, provided the Notice of Appeal is filed by Appellants within thirty days from the 20th day of January, 1960."

Respectfully submitted,



William H. Murphy
14 E. Pleasant Street
Baltimore 2, Maryland



Christopher H. Foreman
413 St. Paul Place
Baltimore 2, Maryland

CERTIFICATE OF SERVICE

I certify that copies of the within motion were this
day of February mailed postage prepaid to:

OFFICE SUPPLY CO.
BALTIMORE

C. Ferdinand Sybert, Esquire
Attorney General, State of Maryland
1201 Mathieson Building
Baltimore 2, Maryland

Melvin J. Sykes, Esquire
616 Munsey Building
Baltimore 2, Maryland

Herbert J. Arnold, Esquire
509 Maryland Trust Building
Baltimore 2, Maryland

David Kimmelman, Esquire
123 E. Fayette Street
Baltimore 2, Maryland

Dated: February 2, 1960



Christopher H. Foreman

Manuel M. Bernstein and Warren S. Shaw *
t/a Manning Shaw Realty Company,

Appellants,

v.

Real Estate Commission of Maryland, and *

Allen Kleiman and Jeanette Kleiman, his wife,
and Bernard Cherry and Dora Cherry, his wife,

In The

Appellees. *

Court of Appeals

Manuel M. Bernstein and Warren S. Shaw, *
t/a Manning Shaw Realty Company,

of Maryland

Appellants,

No. 76

v.

September Term, 1959

Real Estate Commission of Maryland, and *

Allendale-Lyndhurst Improvement Associa-
tion, Inc.,

Appellees. *

ORDER

Upon the motion of the Appellants to Amend the Order of this Court in the above cases, dated January 20, 1960, denying the Appellants motion for reargument and staying the issuance of the mandate of this Court until the determination of the Appellants' petition for a Writ of Certiorari by the Supreme Court of the United States, or the denial of a Writ of Certiorari by said Court, it is thereupon this ~~11th~~ day of February, 1960, by the Court of Appeals of Maryland,

ORDERED:

That the Order of this Court in the above cases, dated the 20th day of January, 1960, is amended by substituting for paragraph 2 of the said Order, the following:

That the issuance of the mandate of this Court be stayed until the determination of the Appellants' Appeal to the Supreme Court

of the United States, or the dismissal of the Appeal by said Court,
provided the Notice of Appeal is filed by Appellants within thirty
days from the 20th day of January, 1960.

W. J. ...

Chief Judge

BALTIMORE
OFFICE SUPPLY CO.

January 22, 1960

William H. Murphy, Esq.
Attorney at Law
14 E. Pleasant Street
Baltimore 2, Maryland

Dear Mr. Murphy:

The Court has considered your "Motion for Reargument and for Stay of Mandate Pending Said Motion or in the Alternative for Stay Pending Appeal to the Supreme Court of the United States" in the case of Manuel M. Bernstein, et al. etc. vs. Real Estate Commission of Maryland, etc. et al. (2 appeals in one record from the Baltimore City Court), No. 76, September Term, 1959, and, for your information, an Order of Court was filed thereon under date of January 20, 1960, a copy, which is self-explanatory, being enclosed herewith.

Very truly yours,

Clerk

5

JLY/ojr

Enclosure

cc: Joseph S. Kaufman, Esq.,
Assistant Attorney General
Melvin J. Sykes, Esq.
J. Calvin Carney, Esq.

CHIEF JUDGE

from the date of this order.

for Certiorari is filed by respondent within _____ days

or the denial of Certiorari by said court, provided the petition

the writ of Certiorari by the supreme court of the United States,

stayed until the determination of the appellants' petition for

from which appeal herein was taken; he and the same are hereby

the Real Estate Commission of the State of New York,

provided that the legal operation and effect of the orders of

3. That the measures herein issue as of course

4. That the portion of the orders herein denied.

ORDERED:

by the Court of Appeals of the State of New York,

hereupon this _____ day of _____, 1960,

before, pursuant to the Rules of the State of New York, in the

for the writ of Certiorari by the supreme court of the United

being cases, or in any alternative for a stay pending a petition

a copy of the record of the proceedings of this court in the above-

from the foregoing motion for reargument and for

Motion for Reargument Etc.

Denied 1/20/60

Order of Court filed hereto and attached hereto.

Filed: July 12-1960

LAW OFFICES
—
WILLIAM H. MURPHY
12 E. PLEASANT STREET
BALTIMORE 2, MD.
—
MULBERRY 5-5688

January 12, 1960

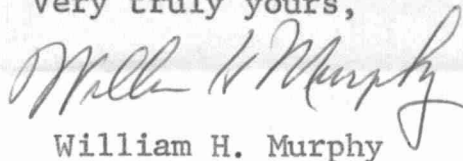
Mr. Lloyd J. Young
Clerk, Court of Appeals
of Maryland
Court of Appeals Building
Annapolis, Maryland

Re: Appeal #76
September Term, 1959
Motion for Reargument, etc.

Dear Mr. Young:

The above Motion was forwarded to you yesterday. Enclosed herewith is my check for Five Dollars (\$5.00), filing fee in the above matter and Order of Appearance and Certificate of Service which I failed to send along with the Motion.

Very truly yours,


William H. Murphy

WHM/rbw
Encls.

IN THE
COURT OF APPEALS OF MARYLAND

SEPTEMBER TERM, 1959

NO. 76

FILED JAN 12 1960
J. LLOYD YOUNG, CLERK
COURT OF APPEALS OF MARYLAND

MANUEL M. BERNSTEIN and WARREN S. SHAW,
T/A MANNING SHAW REALTY COMPANY,

Appellants,

v.

REAL ESTATE COMMISSION OF MARYLAND and

ALLEN KLEIMAN and JEANETTE KLEIMAN, His
Wife and BERNARD CHERRY And DORA CHERRY,
His Wife,

Appellees.

MANUEL M. BERNSTEIN and WARREN S. SHAW,
T/A MANNING SHAW REALTY COMPANY,

Appellants,

v.

REAL ESTATE COMMISSION OF MARYLAND, and
ALLENDALE-LYNDHURST IMPROVEMENT
ASSOCIATION, INC.

Appellees.

Two Appeals from the Baltimore City Court
(Reuben Oppenheimer, Judge)

MOTION FOR REARGUMENT AND FOR STAY
OF MANDATE PENDING SAID MOTION OR IN THE
ALTERNATIVE FOR STAY PENDING APPEAL TO THE SUPREME
COURT OF THE UNITED STATES

William H. Murphy

Christopher H. Foreman

Attorneys for Petitioners

MOTION FOR REARGUMENT AND FOR STAY
OF MANDATE PENDING SAID MOTION OR IN THE
ALTERNATIVE FOR STAY PENDING APPEAL TO THE SUPREME
COURT OF THE UNITED STATES

* * *

Manuel M. Bernstein and Warren S. Shaw, trading as Manning Shaw Realty Co., by William H. Murphy and Christopher H. Foreman, their attorneys, herewith move for re-argument in the above entitled case, and for other relief as hereinafter prayed, and as reason therefor say:

1. That on December 18, 1959, the opinion of this Honorable Court in the above entitled case was filed wherein was set out the proceedings against your petitioners before the Real Estate Commission of Maryland, and the further proceedings in the Baltimore City Court on appeal from said Commission.

2. That the opinion of this Honorable Court affirmed the decision of the Baltimore City Court in the above entitled case, which latter decision affirmed the orders of the Real Estate Commission of Maryland suspending the brokers' licenses of your petitioners for a period of three months for alleged violations of Code (1957), Article 56, Section 224(b), (j), (s), and Section 224(o).

3. That the said opinion of this Honorable Court states, in part, the following:

In their petitions for judicial review by the lower court, the brokers contended, among other things, that the complaints constituted an unlawful conspiracy against

the civil rights of themselves and their customers in that, in substance, they were charged with "block-busting" and that the complaints were intended to prevent Negroes from purchasing and occupying homes of their own selection in violation of constitutional guarantees.

The first complaint * * did contain allegations that Manning Shaw had specialized in sales of residential properties to Negroes in formerly all-white neighborhoods, that such practices were intended to promote panic and instability in the vicinity for the purpose of exploiting and capitalizing on such prejudices as did exist in order to obtain as many listings as possible * * * *
Whatever may have been the real motive of the complainants, the commission early in the proceedings before it, made it clear, and continued to reiterate, that the hearing was for the sole purpose of determining whether or not Bernstein and Shaw had violated the law in connection with the exercise of their rights under the licenses issued to them, and that the commission was not concerned with "block-busting" * * * *

The question is not specifically before us on the appeal to this Court, and we shall not consider it further.

4. That in view of the foregoing, it is clear that this Court did not think it necessary to decide the question of Federal Constitutional Law raised by your Petitioners in the hearing before the Real Estate Commission of Maryland, and on appeal to the Baltimore City Court.

5. That in its Answer to Complaint filed by Allen Kleiman and Jeanette Kleiman on September 5, 1958, your petitioner stated:

Further answering said complaint and each and every paragraph thereof, these respondents aver that said alleged complaint is an ill-concealed attempt to harass and embarrass these respondents who conduct their business in good faith and in a competent, trustworthy, honest and lawful manner, and because the neighborhood is generally known as a changing neighborhood; that the alleged complaint is an ill-disguised effort to deprive the respondents of their lawful rights as guaranteed by the Constitution of the United States and the decisions of the Supreme Court of the United States.

6. That in its Answer to the Complaint filed by the Allendale-Lyndhurst Improvement Association, Inc., your Petitioners averred:

Further answering said complaint and each and every paragraph thereof, these respondents aver the said alleged complaint is part of an ill-concealed attempt to harass

and embarrass these respondents; that these respondents conduct their business in a competent, trustworthy, honest, lawful manner and in good faith; that the complainants all live in what is generally known as a changing neighborhood; that the alleged complaint is a continuation of an ill-disguised effort to deprive these respondents of their lawful rights as guaranteed by the Constitution of the United States and the decisions of the Supreme Court of the United States.

7. That in their Petition or Proceedings for Review in the Baltimore City Court, your petitioners, inter alia, averred:

That the property 3800 Grantley Road is located in a Northwestern suburb of Baltimore known as Ashburton; that Ashburton is a changing area in that it was formerly occupied by white people and colored people; that the colored population of Baltimore has been rapidly increasing; that the Negro population of Baltimore requires and needs additional housing facilities; that practically no new property is being constructed for rent or for purchase by Negroes; that as a matter of economic necessity, they are required to buy used

properties now or formerly occupied by white persons; that in substance, said complaint charges the appellants with an alleged crime or offense of block-busting; that if the block-busting consists of the activities that the complainants allege in their Complaint, these respondents aver that they do not and did not engage in block-busting and the complaint in this case does not show that they were engaged in block-busting, so-called, and the record is devoid of any such alleged offense; that there has been recently formed the Ashburton Area Association, which was organized and exists entirely and solely for the purpose of preventing colored people from exercising their constitutional rights of purchasing dwelling houses of their own selection in Ashburton Area and elsewhere as their homes and living therein, and preventing real estate brokers from selling houses in the Ashburton Area and elsewhere to colored persons who intend to occupy the same as their residences and homes; that the Appellees, Allen Kleiman and Jeanette Kleiman, his wife, and Bernard Cherry and Dora Cherry, his wife, and their counsel, and others, are members of the Ashburton Area Improvement Association and partici-

pate in their activities; that the activities of the Appellees, Allen Kleiman and Jeanette Kleiman, his wife and Bernard Cherry and Dora Cherry, his wife, and the said association are strictly illegal and violative of the Constitution of the United States and the decisions of the Supreme Court and constitute an unlawful conspiracy against the civil rights of the respondents in said complaints, Appellants herein, and their customers; that the Appellees, Allen Kleiman and Jeanette Kleiman, his wife and Bernard Cherry and Dora Cherry, his wife, and the officers and directors of the Ashburton Area Association engage in a medley of obvious double talk for the purpose of trying to conceal the true purpose of their activities, and as evidenced by reference to paragraphs 3 and 6 of Appellee's, Allen Kleiman and Jeanette Kleiman, his wife, and Bernard Cherry and Dora Cherry, his wife, involving a sale by a white realstate broker to a white purchaser of said property, 3800 Grantley Road.

8. The Baltimore City Court in its opinion stated, inter alia:

As the Supreme Court has pointed out, equality in the enjoyment of property rights regardless of race or religion

is one of the basic civil liberties which the Fourteenth Amendment was intended to guarantee. The equal protection clause of the Fourteenth Amendment to the United States Constitution prevents judicial enforcement by State Courts of restrictive covenants in deeds for real property based on race or color * * * * * The Commission repeatedly made clear that its only concern was with the allegations of specific violations of the statutory prohibitions. It refused to consider or even read articles offered in evidence by the Appellants dealing with the general subject of changing neighborhoods and the objectives of the improvement association which filed one of the Complaints because as the Commission reiterated, it was concerned only with the truth or falsity of the charges of false and misleading advertising, bad faith and misrepresentation. I find no basis in the record for the Appellant's allegation of bias and arbitrariness on the part of the Commission.

9. That the foregoing shows that your petitioners asserted their constitutional rights as a defense to the complaints from the commencement of the proceeding until the rendition of its opinion by the Baltimore City Court. The latter court was of the opinion that the Commission had purged the hearing of any constitutional question by its assertion that it

was not interested in evidence of block-busting.

10. That for reasons not known to your petitioners or to their present counsel, former counsel did not include in their brief to this Honorable Court your petitioners contention in the Court below and before the Commission that the proceeding was a conspiracy to deprive your petitioners and their Negro customers of their Constitutional rights.

11. That your petitioners respectfully urge that the entire proceeding, from its beginning to its conclusion was an attempt by the complainants to use the facilities and authority of the Real Estate Commission of Maryland to deprive these petitioners of their rights as guaranteed by the Fourteenth Amendment to the Constitution of the United States, by penalizing them for selling homes to Negroes in formerly all-white neighborhoods.

12. That the evidence of publicity associated with the complaints against your petitioners, and which evidence was rejected by the Court below, with this Court's approval, fairly shows that the Commission could not possibly have entertained these said complaints uninfluenced by the said publicity. That the said publicity urged the Commission to do something about block-busting by so-called unscrupulous operators.

13. That the inartificial findings of the Commission show upon their face the commission was in fact influenced by publicity and permitted the complainants to use the lawful facilities of the Commission, and an otherwise valid regulatory statute to achieve an unconstitutional purpose.

14. That the entire record in these cases presents a question of Federal Constitutional law of widespread importance in view of the changing economic status of the Negro and should

be directly and squarely decided by this Honorable Court upon briefs and oral argument.

15. That your petitioners state the Federal Constitutional question to be the following:

Whether, consistently with the equal protection and due process clauses of the Fourteenth Amendment of the United States Constitution, the penalizing processes of a state regulatory agency may be invoked on the complaint of private citizens whose primary motive is the accomplishment of a purpose forbidden by the Constitution to the State, and a penalty imposed to prevent an alleged evil which is insubstantial and technical on evidence which is vague and equivocal.

16. That your petitioners believe that this Court, after consideration of briefs and argument upon the Federal question presented by the record in this case will reverse the Orders of the Commission and determine that the petitioners have been denied their constitutional rights as hereinbefore stated.

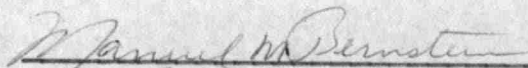
17. That by the terms of said Orders, the broker's and associate broker's licenses of your petitioners are suspended for a period of three months beginning on the date of the return of this Honorable Court's Mandate; that if the Mandate of this Court is not delayed or the Orders of the Commission not stayed, the said Orders will do these Petitioners great and irreparable harm, damage and injury and will very substan-

tially and detrimentally affect their business, as they will be obliged to cease doing business for said period, that such an interruption in business will be ruinous; that if a further stay is granted pending disposition of the motion no injury will result to anyone nor will the effect of the suspension be mitigated but merely postponed.

18. That your petitioners are persuaded of the justice of their cause and intend to pursue their remedies by further appeal from this Honorable Court, if required and so advised.

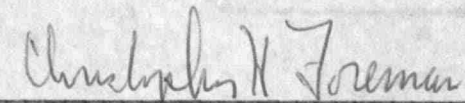
WHEREFORE, your moving parties respectfully ask:

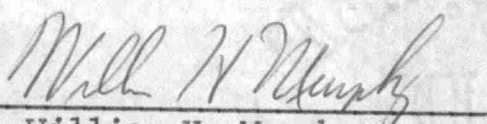
1. That they be granted leave to file a brief upon the Constitutional question hereinbefore noted and leave to argue the constitutional question so this Court may decide it directly and squarely.
2. That this Honorable Court may stay the effect of its mandate until after it has disposed of this motion.
3. That if the motion for reargument is denied, this Court may stay the Orders of the Commission in this case pending the filing of a petition for the Writ of Certiorari in the Supreme Court of the United States.
4. That your moving parties may have such other and further relief as is in the discretion of this Court to grant.


Manuel M. Bernstein


Warren S. Shaw

T/A Manning Shaw Realty Company
Appelants


Christopher H. Foreman


William H. Murphy

Attorneys for Petitioners

Sunset Paralegal

IN THE

COURT OF APPEALS OF MARYLAND

SEPTEMBER TERM, 1959

NO. 76

MANUEL M. BERNSTEIN and WARREN S. SHAW,
T/A MANNING SHAW REALTY COMPANY,

Appellants,

v.

REAL ESTATE COMMISSION OF MARYLAND AND

Allen Kleiman and Jenaette Kleiman, His
Wife and Bernard Cherry and Dora Cherry,
His Wife,

Appellees.

MANUEL M. BERNSTEIN AND WARREN S. SHAW,
T/a MANNING SHAW REALTY COMPANY,

Appellants,

v.

REAL ESTATE COMMISSION OF MARYLAND, and
ALLENDALE-LYNDHURST IMPROVEMENT
ASSOCIATION, INC.

Appellees.

Two appeals from the Baltimore City Court
(Reuben Oppenheimer, Judge)

MOTION FOR REARGUMENT AND FOR STAY
OF MANDATE PENDING SAID MOTION OR IN THE
ALTERNATIVE FOR STAY PENDING APPEAL TO THE SUPREME
COURT OF THE UNITED STATES


Sunset Paralegal

FRAG CONTENT

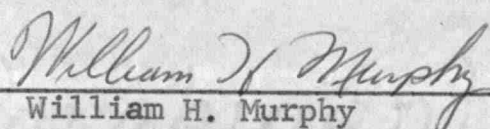
ORDER OF APPEARANCE

Mr. Clerk:

Please enter the appearance of the undersigned
in the above entitled cases as counsel for the Appellants.



Christopher H. Foreman
413 St. Paul Place
Baltimore, Maryland
Saratoga 7-1365

Sussex


William H. Murphy
12 E. Pleasant Street
Baltimore, Maryland
Mulberry 5-5688

TRAG

CERTIFICATE OF SERVICE

I certify that I have this 13th day
of January, 1960, served copies of the Motion for Reargument
in this case upon the following:

C. Ferdinand Sybert, Attorney General

Joseph S. Kaufman, Assistant Attorney General

Melvin J. Sykes

Herbert J. Arnold

David Kimmelman

William H. Murphy

William H. Murphy
Attorney for Appellants
12 E. Pleasant Street
Baltimore 2, Maryland
Mu.5-5688

Manuel M. Bernstein and Warren S. Shaw,
t/a Manning Shaw Realty Company,

*

Appellants,

v.

Real Estate Commission of Maryland, and

*

Allen Kleiman and Jeanette Kleiman, his wife,
and Bernard Cherry and Dora Cherry, his wife,

In The

Appellees.

*

Court of Appeals

Manuel M. Bernstein and Warren S. Shaw,
t/a Manning Shaw Realty Company,

*

of Maryland

Appellants,

v.

No. 76

Real Estate Commission of Maryland, and

*

September Term, 1959

Allendale-Lyndhurst Improvement Association, Inc.,

Appellees.

*

* * *

ORDER

Upon the ~~affidavit~~ motion of the Appellants for reargument and for a stay of the effect of the Mandate of this Court in the foregoing cases, or in the alternative for a stay pending a Petition for the Writ of Certiorari by the Supreme Court of the United States, pursuant to Maryland Rules, 850, 855, and 856, it is thereupon this 20th day of January, 1960, by the Court of Appeals of Maryland,

ORDERED:

1. That the motion for reargument is denied.
2. That the issuance of the mandate of this Court be stayed until the determination of the Appellants' petition for a Writ of Certiorari by the Supreme Court of the United States, or the denial of a Writ of Certiorari by said Court, provided the Petition for Certiorari by Appellants is filed within thirty days from the date of this Order.

F. W. [Signature]
Chief Judge

ORDER

Upon the foregoing Motion for Reargument, and for a stay of the effect of the Mandate of this Court in the aforegoing cases, pending disposition of the said motion, pursuant to Maryland Rules 850, 855, and 856, it is therefore upon this _____ day of January, 1960, by the Court of Appeals of Maryland,

ORDERED:

1. That the Motion for reargument is granted, provided the appellants file with this court a brief on or before the _____ day of _____, 1960.
2. That the Mandate of this Court be retained by the Clerk until this Court's decision of the question to be considered on reargument.

CHIEF JUDGE

ORDER

Upon the foregoing motion for reargument and for a stay of the effect of the Mandate of this Court in the foregoing cases, or in the alternative for a stay pending a Petition for the Writ of Certiorari by the Supreme Court of the United States, pursuant to Maryland Rules, 850, 855, and 856, it is thereupon this _____ day of _____, 1960, by the Court of Appeals of Maryland,

ORDERED:

1. That the motion for reargument is denied.
2. That the mandate of this court issue as of course provided that the legal operation and effect of the Orders of the Real Estate Commission of Maryland dated April 21, 1959, from which appeal herein was taken, be and the same are hereby stayed until the determination of the appellants' petition for the Writ of Certiorari by the Supreme Court of the United States, or the denial of Certiorari by said Court, provided the Petition for Certiorari is filed by Appellants within _____ days from the date of this Order.

CHIEF JUDGE

No. 76 - Sept. 1, 1959

expended up to and including November 30, 1953, and the time for filing the Affidavits, Briefs and Subpoenas, if any, by the Record Court, any for printing not later than September 15, 1959.

Stipulation

Attorneys for the Defendant
 Messrs S-3442
 Baltimore - 5, Maryland
 3 East Lexington Street
 J. Calvin Carey
 ALVIN J. DYER

Attorney for the Plaintiff
 Messrs S-3073
 Baltimore - 5, Maryland
 Old Murray Building
 Melvin J. Dyer

Fred. Sept. 1-1959

LAW OFFICES
MYLANDER, MYLANDER & ATWATER

WALTER C. MYLANDER, JR.
HENRY A. MYLANDER
CHARLES C. W. ATWATER

1213-14 FIDELITY BUILDING
BALTIMORE 1, MD.

TELEPHONE
PLAZA 2-6254

August 31, 1959

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

Re: Bernstein, et al. v. Real Estate
Commission - No. 76, September
Term, 1959

Dear Mrs. Sandrock:

Enclosed you will find Stipulation extending the Appellants' time for filing their Brief and printed Record Extract to September 21, 1959, and extending Appellees' time for filing their Brief and Appendix, if any, to and including November 2, 1959. This is in accordance with the understanding that I discussed with you by 'phone today. Will you kindly file the enclosed.

Thanking you, I am

Yours very truly,

Walter C. Mylander, Jr.
Walter C. Mylander, Jr.

WCMJr/AM
Enclosure

cc: J. Calvin Carney, Esquire
Joseph S. Kaufman, Esquire
Melvin J. Sykes, Esquire

IN THE COURT OF APPEALS OF MARYLAND

MANUEL M. BERNSTEIN and *
WARREN S. SHAW, T/A
MANNING SHAW REALTY COMPANY

Appellants

vs.

REAL ESTATE COMMISSION *
OF MARYLAND and
ALLEN KLEINMAN and *
JEANETTE KLEINMAN, his wife,
et al.

SEPTEMBER TERM, 1959

Appellees

- - - - -

No. 76

MANUEL M. BERNSTEIN and *
WARREN S. SHAW, T/A
MANNING SHAW REALTY COMPANY

Appellants

vs.

REAL ESTATE COMMISSION *
OF MARYLAND and
ALLENDALE-LYNDHURST
IMPROVEMENT ASSOCIATION,
INC.

Appellees

S T I P U L A T I O N

It is stipulated and agreed by and between counsel for the
respective parties in the above-entitled cases that the time for filing the
Appellants' Brief and printed Record Extract be extended up to and including
September 21, 1959, provided that Appellants furnish Appellees' counsel
with one typed carbon copy of their Brief at the time that it is sent to the

Daily Record Company for printing not later than September 15, 1959,
and the time for filing the Appellees' Brief and Appendix, if any, be
extended up to and including November 2, 1959.

✓ Walter C. Mylander, Jr.
Walter C. Mylander, Jr.
1213 Fidelity Building
Baltimore -1, Maryland
Plaza 2-6254

✓ J. Calvin Carney
J. Calvin Carney
3 East Lexington Street
Baltimore -2, Maryland
Plaza 2-8445
Attorneys for Appellants

✓ Joseph S. Kaufman
Joseph S. Kaufman
Assistant Attorney General
1201 Mathieson Building
Baltimore -2, Maryland
Lexington 9-5413
Attorney for Real Estate Commission
of Maryland

✓ Melvin J. Sykes
Melvin J. Sykes
616 Munsey Building
Baltimore -2, Maryland
Saratoga 7-3078
Attorney for Allen Kleinman and
Jeanette Kleinman, his wife, and
Bernard Cherry and Dora Cherry, his wife

45
9/1/59
PF 9

RECORDED & INDEXED

WALTER C. WYLANDER, JR.
Attorney for Plaintiff
WALTER C. WYLANDER, JR.
Attorney for Defendant

WALTER C. WYLANDER, JR.

Including October 30, 1959.

the appellants' brief and appendix, it may be extended up to and
up to and including September 1, 1959, and the time for filing,
filing the appellants' brief and appendix shall be extended
respective parties in the above entitled case that the time for

Stipulation

It is stipulated and agreed between counsel for the

STIPULATION

.....

State Commission of Maryland,
MAG GARFIELD,
MURPHY P. RILEY,
EDWARD J. BYRNE

September, 1959 Term No. 76
MARYLAND
OF

WINNING STEEL REBARRY COMPANY
MARTIN S. SHAW, T/A
MARSHALL M. BERENSON and

COURT OF APPEALS
IN THE

Filed: July 17-1959

LAW OFFICES

J. CALVIN CARNEY
J. CALVIN CARNEY, JR.
BLANCHARD D. CARNEY

5TH FLOOR CENTRAL SAVINGS BANK BLDG.
SOUTHEAST CORNER CHARLES & LEXINGTON STS.
BALTIMORE-2, MD.

July 16, 1959

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

Dear Mr. Young:

Re: Manuel M. Bernstein et al. vs.
Edward J. Dyas, et al.
In the Court of Appeals of Maryland
September Term, 1959, No. 76

I enclose herewith stipulations in the
above matter, which please file.

Very truly yours,


J. Calvin Carney

JCC:mem

Enc.

MANUEL M. BERNSTEIN and :
WARREN S. SHAW, T/A :
MANNING SHAW REALTY COMPANY :

IN THE :
COURT OF APPEALS :

vs. :

OF

EDWARD J. DYAS :
RALPH P. RIPLEY :
MAC GARDINER, :
Constituting the Real :
Estate Commission of Maryland, :
et al :

MARYLAND

September, 1959 Term No. 76

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STIPULATION

It is stipulated and agreed between counsel for the respective parties in the above entitled case that the time for filing the appellants' brief and printed record extract be extended up to and including September 10, 1959, and the time for filing the appellees' brief and appendix, if any, be extended up to and including October 30, 1959.

Walter C. Mylander Jr.

Walter C. Mylander, Jr.

✓ *J. Calvin Carney*

J. Calvin Carney
Attorneys for Appellants

✓ *Joseph S. Kaufman*

Joseph S. Kaufman,
Assistant Attorney General
Attorney for the Real Estate Commission of Maryland

✓ *Melvin J. Sykes*

Melvin J. Sykes
Attorney for Allen Kleiman and
Jeanette Kleiman, his wife, and
Bernard Cherry and Dora Cherry,
his wife.

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7/17/69
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