

Box 905

0-35-10-21

No.

14377

Diggs et al.
vs.

Morgan College

244 23/59 14377
IN THE CIRCUIT COURT FOR
BALTIMORE COUNTY,
IN EQUITY.

RUSSELL I. DIGGS,
ANNA C. DIGGS, his wife
SAMUEL W. LAWDER,
JESSE B. LAWDER, his wife
GEORGE H. FRANKTON,
MARGARET E. FRANKTON, his wife
WILLIAM HENRY BECK and
JOHANNA G. BECK, his wife,
Complainants

VS.

MORGAN COLLEGE, a corporation
duly incorporated under the
laws of the STATE OF MARYLAND.
Respondent.

BILL OF COMPLAINT.

CLERK:

① Please file.

Record of
20/2
Engel Allen Co
Solicitors for Complainants

BARTLETT, POE & CLAGGETT

ATTORNEYS AND COUNSELORS AT LAW,

S. W. COR. CALVERT AND GERMAN STS.

BALTIMORE, MD.

79 St. Anne 434

FILED 191 25 1917

RUSSELL I. DIGGS, : IN THE CIRCUIT COURT
ANNA C. DIGGS, his wife :
SAMUEL W. LAWDER, :
JESSE B. LAWDER, his wife : FOR
GEORGE H. FRANKTON, :
MARGARET B. FRANKTON, his wife :
WILLIAM HENRY BECK, and :
JOHANNA C. BECK, his wife, : BALTIMORE COUNTY
Complainants, :

VS.

MORGAN COLLEGE, a corpo- :
ration duly incorporated : IN EQUITY.
under the laws of the STATE :
OF MARYLAND. :
Respondent :

TO THE HONORABLE, THE JUDGES OF SAID COURT:

Your orators, who file this bill on their own behalf and on behalf of all others similarly situated, who may hereafter become parties to this proceeding, complaining, respectfully show:

1. That the respondent, Morgan College, an educational institution, was chartered many years ago for the purpose of furnishing instruction in the higher branches of learning to members of the negro race and is now being managed by a Board of Trustees, consisting of twenty-four members, twelve of whom are of the white race and twelve of the colored race, and that the rights and powers of said respondent corporation are clearly set forth and limited by Chapter 326 of the Acts of the General Assembly of Maryland, passed in the year 1890 and Chapter 357 of the Acts of the General Assembly of Maryland, passed in the year 1900, to which acts reference is here made and which acts are prayed to be taken as part hereof, as though fully set forth at length and that section 5 of said last mentioned act provides as follows:

"The said Morgan College shall have the power to found, establish and maintain a school or schools of education, learning and training, establish and main-

tain scholarships, professorships, lectureships, chairs of instruction and auxiliary schools, and to have, hold and acquire by gift, grant, purchase, devise or any other mode land and property, both real and personal, for the purpose of supporting such schools, scholarships, professorships, lectureships and chairs, and for the purpose of investing the funds of said corporation and carrying on its work and plans.

2. That for a number of years past, the respondent has been located and has carried on its said work of education in Baltimore City at the corner of Edmondson Avenue and Fulton Avenue.

3. That recently, to wit, on the first day of June, 1917, the respondent acquired at and for the price of about Sixty thousand dollars (\$60,000.00) from the Ivy Land Company, a tract of land of about seventy (70) acres, situated in Baltimore County just beyond the limits of Baltimore City at the intersection of Hillen Road and Grinden Lane (a certified copy of the deed for said property being herewith filed as Complainants' Exhibit #1).

That in view of the fact that said tract of seventy (70) acres is vastly in excess of any proper and legitimate needs of the respondent, the respondent has publicly announced that it proposes to use a part only of said property as a site for the college and college buildings and that the balance of the tract, constituting much the larger part thereof, it proposes to develop and divide into building lots and dispose of the same only to persons of the colored race not necessarily connected with the college, in order to establish a residential negro colony in the neighborhood of and in close proximity to said college and that unless restrained by this Court, the respondent will carry out its said purposes.

4. That the respondent has not the legal power and

authority, under its charter, to purchase real estate for the purpose of developing it and re-selling it in order to establish a negro settlement in the neighborhood of said college and that such attempted unauthorized exercise of power on the part of the respondent should be restrained and enjoined by this Court upon application duly made to it by those whose interests and property rights are or may be seriously threatened, injured or impaired by such contemplated unlawful exercise of power.

5. Your orators show that they are the owners and occupiers of property immediately adjacent to the said tract of seventy (70) acres recently purchased by said respondent from said Ivy Land Company and they herewith file the original deeds for said property, marked Complainants' Exhibit #2 and your orators call special attention to the provisions in several of the deeds, relating to the ownership and occupancy of said property by white persons only.

6. Your orators further show that the property immediately surrounding and adjacent to the tract of seventy (70) acres recently acquired by the respondent from the Ivy Land Company, as above set forth, is owned and occupied entirely by white persons among whom are your orators, and that said surrounding and adjacent property has been so owned and occupied entirely by white persons for a long time prior to the said purchase by the said respondent of the said seventy (70) acre tract from the said Ivy Land Company; that large sums of money have been invested by said white persons in developing said neighborhood and that said neighborhood has for many years been a residential neighborhood for white persons only and that the homes that have been built there represent the earnings and labors of the owners and in a great many instances, as in the case of your orators, represent practically the en-

tire possessions of said owners so that the depreciation and destruction of property values in said neighborhood would mean ruin to a great majority of those living in said neighborhood and owning property therein, including your said orators.

7. That prior to the consummation of the said purchase by the said respondent of the said seventy (70) acres from the said Ivy Land Company, and while negotiations for the said purchase were being conducted, it became known that the respondent contemplated making said purchase for the purposes above mentioned in paragraph three hereof and immediately the residents and owners of property in the surrounding and adjacent neighborhood, realizing the irreparable injury that would thereby result, united in most vigorous protests, held public meetings of indignation, sent numerous delegations of remonstrance to the trustees of the respondent and made every reasonable and proper effort to induce said trustees to abandon their said contemplated purchase and their said contemplated illegal plan of colonization and when said trustees, in utter disregard of said promises and remonstrances, consummated said purchase, the protestants even went so far as to offer to buy the property from the said trustees at the price at which they purchased it, which said offer said trustees refused to entertain.

8. Your orators show that the actual introduction of the negro colony contemplated by the respondent into the midst of the already well developed and flourishing white residential section surrounding and adjacent to said proposed negro colony will seriously impair, if not practically destroy, the value of all such surrounding real estate and will result, therefore, in irreparable injury to your orators and to their property and to all other property in said neighborhood, and that your orators have no adequate remedy at law,

and that, therefore, your orators are without relief except through the aid of this Court in this proceeding.

TO THE END, THEREFORE,

1. That the defendant, Morgan College, its officers, agents, servants and employees, may be enjoined and restrained from developing and dividing into building lots any part of the said tract of seventy (70) acres purchased by it from the Ivy Land Company and from re-selling said building lots, or any of them, for the purpose of establishing a residential negro colony or settlement thereon and in the neighborhood of said Morgan College.

2. That your orators may have such other and further relief as their case may require.

May it please your Honors to grant unto your orators the writ of subpoena directed to the said Morgan College, commanding it to be and to appear in this Court at some certain day to be named therein, and answer the premises and abide by and perform such decree as may be passed therein.

And as in duty, etc.

Eugene W. Lee
Attorney for Complainant

STATE OF MARYLAND:

TO WIT:

CITY OF BALTIMORE:

I HEREBY CERTIFY, that on this *24* day of July, 1917, before me the subscriber, a Notary Public in and for the *City* State aforesaid, duly commissioned and qualified, personally appeared *Russell I. Diggs* one of the complainants in the foregoing suit and on his own behalf and on behalf of his co-complainants, made oath in due form of law that the matters and facts set forth in said Bill of Complaint are true as therein stated, to the best of his knowledge, information and belief.

Carl R. Keenan
Notary Public.

IN THE CIRCUIT COURT FOR
BALTIMORE COUNTY.
IN EQUITY.

RUSSELL I. DIGGS,
ANNA C. DIGGS, his wife
SAMUEL W. LAWDER,
JESSE B. LAWDER, his wife
GEORGE H. FRANKTON,
MARGARET B. FRANKTON, his wife
WILLIAM HENRY BECK and
JOHANNA C. BECK, his wife,
Complainants

vs.

MORGAN COLLEGE, a corporation
duly incorporation under the
laws of the STATE OF MARYLAND.
Respondent.

COMPLAINANTS' EXHIBIT #1.

27

Mr. Clerk:

(W)

Please file.

Eugene M. Claggett
Solicitor for Complainants.

250

BARTLETT, POE & CLAGGETT

ATTORNEYS AND COUNSELORS AT LAW.

S. W. COR. CALVERT AND GERMAN STS.

BALTIMORE, MD.

FILED MAR 25 1917

This Deed made this first day of June in the year one thousand nine hundred and seventeen, by and between the Ivy Land Company, a corporation of the State of Maryland, party of the first part, and Morgan College, a corporation of the State of Maryland, under amendment of Charter in Chapter 326 of the Acts of 1890, and re-enactment with amendments under Chapter 357 Acts of 1900, party of the second part.

Witnesseth, that in consideration of the sum of five dollars and other good and valuable considerations this day paid, the receipt whereof is hereby acknowledged, the said party of the first part doth hereby grant and convey unto the said party of the second part, its successors and assigns, in fee simple, all that lot of ground situate in Baltimore County in the State of Maryland, and described as follows, that is to say:

Beginning for the same at a stone planted at the beginning of the land by deed dated June 10, 1885 recorded in W. M. I. 146-245 was conveyed by Adam H. Nelker, Trustee, to Walter H. Thorne, and running thence binding on the first five lines of said land, south twenty seven degrees forty five minutes east seventy feet one and one half inches, north seventy degrees fifteen minutes east three hundred and eighty three feet seven and one half inches, north sixty five degrees fifteen minutes east three hundred and sixty three feet south forty degrees thirty seven minutes east four hundred and eighty six and three fourth feet, south nineteen degrees twenty seven minutes west three hundred and ninety six feet to a stone planted at the beginning of the land which by deed dated October 6, 1892 recorded in L. M. B. 194-290, was conveyed by William E. Riley to Alice E. Thorne, thence running and binding reversely on the last six lines of said land, south forty two degrees forty five minutes east seven hundred and forty two feet one inch, south forty one degrees four minutes west seven hundred and ninety two feet to a point near the north side of Ivy Mill Road, south eighty four degrees four minutes west two hundred and sixty eight feet one and

one half inches, north seventy nine degrees eleven minutes west four hundred and sixty two feet, north thirteen degrees ten minutes west two hundred and sixty four feet, north eleven degrees fifty minutes east two hundred and fourteen and one half feet to the end of the south twenty two degrees east seven perches line of said land, thence binding reversely on part of said line, north eighteen degrees ten minutes west fifty one feet, more or less, to a point, twelve feet, south seventy one degrees thirty minutes west from a stone, thence running across the Dam, as now constructed and called for in a deed from John Hoen, et. al. Trustees, to Pamela A. Morton, etc. dated July 26, 1901 recorded in N. B. M. 253-427 etc., south seventy one degrees thirty minutes west one hundred and thirty eight feet, more or less, to intersect the south eighteen degrees west seventy one feet line of land which by deed dated April 25, 1899 recorded in N. B. M. 239-36 was granted by Pauline Schmecher to Alice E. Thome, at the distance of fifteen feet six inches from the end of said line, running thence binding on said land, south nineteen degrees forty seven minutes west fifteen and one half feet, south forty three degrees thirteen minutes east forty two feet, south one degree thirty seven minutes west thirty seven and three ~~quarters~~ quarter feet, south four degrees seventeen minutes west forty seven and one half feet, south eight degrees fifty eight minutes east one hundred and five feet, south eight degrees seventeen minutes west eighty eight feet, south two degrees seventeen minutes west fifty nine feet south eight degrees thirty three minutes east forty six feet, south seventeen degrees thirteen minutes east eighty two and three quarter feet, south twelve degrees seventeen minutes west forty five and one quarter feet, south seventy seven degrees forty three minutes east three feet, south twelve degrees seventeen minutes west fifty three and one half feet, north sixty degrees fifty seven minutes west one hundred and twenty three and three quarter feet, south forty eight degrees three minutes west seventy three and three quarter feet, north forty three degrees fifty seven minutes west two hundred and

thirty one feet to a nail in a willow stump, running thence binding on the land which by deed dated April 25, 1899 recorded in N. B. M 239-36, conveyed by Schmecher to Alice E. Thorne, south forty seven degrees eighteen minutes west fifteen feet, north sixty six degrees west twenty eight feet north twenty five degrees forty five minutes west seventy one feet, north thirty six degrees thirty minutes west sixty six two feet, north sixteen degrees fifteen minutes west forty one feet, north four degrees west fourteen feet, more or less to the centre of Ivy Mill Road, thence binding on the centre of said road, north forty nine degrees twenty seven minutes west ninety three feet, north fifty six degrees fifty seven minutes west twenty five and one third feet, north sixty three degrees twelve minutes west fifty two feet nine and one half inches, north eighty three degrees forty two minutes west one hundred and sixty five feet, north eighty six degrees twenty three minutes west two hundred and forty feet eleven inches, north eighty six degrees thirty two minutes west three hundred and seventy nine and one half feet to the centre of Hillen Road, thence binding on the centre of said road, north seventeen degrees fifty minutes east three hundred and thirty three and one quarter feet, north sixteen and one quarter degrees east two hundred and thirty one feet, north eighteen degrees thirty minutes east one hundred and fifteen feet seven inches, north twenty five degrees thirty four minutes east one hundred and forty eight and one half feet, north twenty eight degrees fifty four minutes east one hundred and sixty nine feet, north twenty seven degrees twenty three minutes east one hundred and sixty feet one inch to the beginning of the south thirty seven and three quarter degrees east sixteen and three tenth perches line of the land conveyed by Adam H. Nelker, Trustee to Walter H. Thorne, running thence binding on the last six lines of said land, south thirty six degrees one minute east two hundred and sixty eight feet eleven and one half inches, south thirty three degrees east one hundred and ninety eight feet, south fifty seven degrees fifteen minutes east one hundred and

fifty eight feet two inches, north thirty seven degrees forty eight minutes east three hundred and thirty feet, north thirty six degrees fourteen minutes east one hundred and eighty one and one half feet, north thirty nine degrees east two hundred and seventy nine and one half feet to the place of beginning. Containing sixty eight and one quarter acres of land, more or less, excepting thereout the rights of the Mayor and City Council of Baltimore in the three roads thirty six and one half perches and conduit line condemned by said Mayor and City Council of Baltimore, as shown on Baltimore County Judicial Records No. 44, folios 42, 97 and 261etc.

Being the same parcel of land which by deed dated December 8, 1909 recorded among the land records of Baltimore County in Liber W. P. C. No. 352, folio 462&c., was granted and conveyed by Alifée E. Thorne to said the Ivy Land Company, in fee simple.

Together with the buildings and improvements thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

To Have and To Hold the said lot of ground and premises, with the improvements and appurtenances aforesaid, unto Morgan College its successors and assigns, in fee simple.

And the said party of the first part covenants that it will warrant specially the property hereby granted and conveyed, and that it will execute such further assurances of said land as may be requisite.

In testimony whereof, the said party of the first part has caused its corporate seal to be hereto affixed, and its president to set his hand hereto.

Test:

J. Milton Brandt.

Attest:

Frank I. Wheeler,

Secretary.



The Ivy Land Company,

By James J. Lindsay,

President.

State of Maryland,

City of Baltimore, to wit:

I Hereby Certify that on this first day of June in the year one thousand nine hundred and seventeen, before me the subscriber a Notary Public of the State of Maryland, in and for the City of Baltimore aforesaid, personally appeared James J. Lindsay, President of the said The Ivy Land Company, and acknowledged the foregoing Deed to be the act of said body corporate.

Notarial
In testimony whereof, I hereunto set my hand and affix my official seal.

(Notarial)

J. Milton Brandt,

(Seal)

Notary Public.

STATE OF MARYLAND,

BALTIMORE COUNTY, TO WIT:

I HEREBY CERTIFY that the foregoing is a true copy taken from the Original Deed received for record in this office on the 2nd day of June 1917.

In Testimony Whereof I hereto set my hand and affix the seal of the Circuit Court for Baltimore County this 19th day of July, A. D. 1917.



William P. Bole

Clerk of the Circuit Court for Baltimore County.

Henry S. Dulaney 8/2/17
Trustee

24 23/59 14377
Eq.

Russell J. Leggs et al

vs.

Morgan College
a corporation

Subp & Copy, Bill of Court & Notice

SUBPCENA

47

Sheriff.

Filed the 6th day of

Aug 1917
Edgar Allan Poe
The Jeffersonian Print.

Summoned the Morgan College, a corporation, by service on Henry S. Dulaney, a member of the Board of Trustees, and a Copy of the Process with a Copy of the Bill of Complaint left with said Trustee, also Notice of said Summons left with said Trustee, there being no office of said corporation in the City of Baltimore, known to me, at which to leave said notice.

Fees \$ 1.10

(Bunn)

Thomas J. McPhail
Sheriff.

Baltimore County, Srt.:

THE STATE MARYLAND

TO Morgan College
a corporation

OF Baltimore GREETING:

WE COMMAND AND ENJOIN YOU, that all excuses set aside, you be in your person before the Judges of the Circuit Court for Baltimore County, at the Court House, in Towson, the first Monday of August next, to answer the complaint of Russell J. Diggs against you in the said Court, exhibited.

Hereof fail not, as you will answer the contrary at your peril.

WITNESS, the Honorable N. CHARLES BURKE, Chief Judge of the Third Judicial Circuit of Maryland, the second day of July in the year of our Lord one thousand nine hundred and seventeen

Issued the 25th day of July 1917
Wm F Cole

Clerk of the Circuit Court for Baltimore County.

224 7/31/59 114377
IN THE
CIRCUIT COURT
FOR BALTIMORE COUNTY.

RUSSELL I. DIGGS,

VS.

MORGAN COLLEGE.

3

APPEARANCE.

Mr. Clerk:-

Please file, &c.

Filed Aug 15, 1917

RUSSELL I. DIGGS, et al.,

IN THE

VS.

CIRCUIT COURT

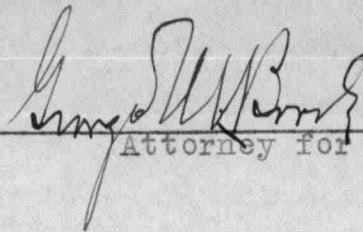
MORGAN COLLEGE.

FOR BALTIMORE COUNTY.

-o-o-o-

TO WILLIAM P. COLE, CLERK OF SAID COURT:

Please enter my appearance as
solicitor for the defendant in the above entitled cause.



Attorney for Defendant.

24 231/59 14377

IN THE
CIRCUIT COURT
FOR BALTIMORE COUNTY.
IN EQUITY.

RUSSELL I. DIGGS, et al.

VS.

MORGAN COLLEGE, a body
corporate.

DEMURRER.

6

Mr. Clerk:-

Please file, &c.,

4

W. Boyd Brubaker
Attorneys for Defendant.

*Service of copy
admitted at
30 - my filing. 1917*

Filed Aug 31 1917

of August, 1917.

Service of copy admitted this

day

Attorneys for Plaintiffs.

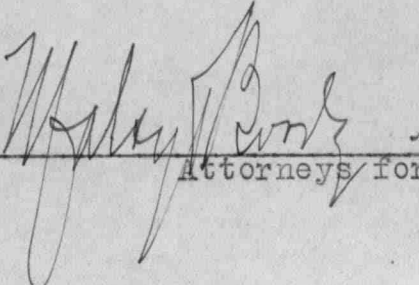
DEBKEH BEPIMEN

RUSSELL I. DIGGS, et al.,	:	IN THE
	:	
VS.	:	CIRCUIT COURT
	:	
MORGAN COLLEGE, a body corporate.	:	FOR BALTIMORE COUNTY.
	:	IN EQUITY.

-o-O-O-

Now comes Morgan College, a body corporate, the Defendant in the above entitled cause and demurs to the whole of the bill of complaint and each and every part thereof, and for grounds thereof says:

1. That this Honorable Court is without jurisdiction in the premises.
2. That the Plaintiff is not a proper party.
3. That the Plaintiffs have not proper interest in the matters of which they complain so as to entitle them to any standing in a Court of Equity.
4. That the Plaintiffs have a plain, adequate and complete remedy at law.
5. That the Plaintiffs have not stated such a case that has entitled them to any relief.
6. And for other grounds to be stated at the hearing.



 Attorneys for Defendant.

STATE OF MARYLAND, CITY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY, that on this
30th day of August, 1917, before me the subscriber,
a Notary Public, of the State of Maryland, and duly authorized
to take affidavits therein, personally appeared *John S. Diehl*
one of the Trustees of Morgan College,
the defendant in the above entitled cause, who made oath that
the above entitled demurrer is not filed or intended for the
purpose of delay.

AS WITNESS my hand and Notarial Seal.

John McCullough
Notary Public.



.....
O P I N I O N.
.....

Russell I. Diggs, et.al.

vs.

Morgan College,

a corporation &c.
.....

In the Circuit Court

for

Baltimore County, In Equity.

⑤ 47

URBAN T. LINZEY
OFFICIAL COURT REPORTER
TOWSON, MD.

FILED JAN 14 1918

RUSSELL I. DIGGS, et. al. : IN THE CIRCUIT COURT
VS. : FOR
MORGAN COLLEGE, : BALTIMORE COUNTY,
a corporation &c. : IN EQUITY.

The bill alleges that the defendant is an Educational Institution chartered many years ago for the purpose of furnishing instruction in the higher branches of learning to the negro race. That for a number of years past it has been located and has carried on its work of education in Baltimore City at the corner of Edmondson and Fulton Avenues. That the rights and powers of said corporation are set out and limited by Chapter 326 of the Acts of 1890 and Chapter 357 of the Acts of 1900. That section 5 of the last mentioned Act provides as follows:

"The said Morgan College shall have the power to found, establish and maintain a school or schools of education, learning and training; establish and maintain scholarships, professorships, lectureships, chairs of instruction and auxiliary schools, and to have, hold and acquire by gift, grant, purchase, devise or any other mode, lands and property, both real and personal for the purpose of supporting such schools, scholarships, professorships, lectureships and chairs, and for the purpose of investing the funds of said corporation and carrying on its work and plans".

The Bill then alleges that on the first day of June last, the defendant acquired for the price of sixty thousand dollars, a tract of land in Baltimore County consisting of 70

acres and that the agents of the defendant have publicly announced that it proposes to use a part only of said property as a site for the college and college buildings and the balance of the tract, consisting of much the larger part, it proposes to develop and divide into building lots and dispose of them to persons of the colored race only and not necessarily connected with the college.

The Bill then alleges that the defendant has not the legal power or authority under its charter to thus purchase real estate for the purpose of re-selling it and prays the Court for an injunction to restrain what the bill alleges to be an unwarranted exercise of power. The defendant interposed a demurrer to the bill alleging among other grounds that the Plaintiff is not a proper party.

The first question arising is, whether the defendant has exceeded its charter powers as charged in the bill. The charter is in plain terms and sets out rather clearly the power and authority conferred upon it by the Legislature. In the first place it may "found, establish and maintain a school or schools of education, learning and training"; to this there is no limit; it could have classical, technical or agricultural schools and further on it provides for auxiliary schools -- they might be preparatory schools for the others, -- it then provides that it may have, hold and acquire by gift, grant, purchase, devise or any other mode, lands and property both real and personal for the purpose of supporting such schools &c., and for the purpose of investing the funds of said corporation and carrying on its work and plans. No one could question the validity of a devise to the corporation to carry on its work or plans of

70 acres or of 140 acres and it has equal power to purchase. If the acreage is in excess of the actual necessities of the school or schools and the managers could dispose of the surplus in lots, reserving a rent, it would be one of the most usual and approved methods of investment for the purpose of "carrying on its work and plans."

But the second question involved seems to be settled decisively in Maryland. In Hanson and others vs. The Little Sisters of the Poor of Baltimore &c. 79 Md. 434, the Court of Appeals adopted the doctrine of the Supreme Court of the United States in Jones vs. Habershan 107 U. S. 174 &c., namely, "that restrictions imposed by the charter of a corporation upon the amount of property it may hold cannot be taken advantage of collaterally by private persons, but only by the State in a direct proceeding instituted for that purpose". The Appellate Court held to the same doctrine in Stickneys Will 85 Md. 106, and in Hagerstown Manf. Co. vs. Martin L. Keedy, Trustee, et.al. 91 Md. 430.

I will sign an order sustaining the demurrer.

Wm. J. Dineen

23/59
IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY,
IN EQUITY. *4377*

DIGGS,
et al.,

VS.

MORGAN COLLEGE,
a body corporate.

DE C R E E .

⑥

787

Filed March 9-1918

Wm. D. ...

DIGGS, et al.,

VS.

MORGAN COLLEGE,
a body corporate,

:
:
:
:
:

IN THE

CIRCUIT COURT OF

BALTIMORE COUNTY,

IN EQUITY.

-o-o-o-

The above entitled cause coming on for hearing up demurrer and the cause having been argued and the parties heard and the matter being fully considered, it is hereby, on this *8th* day of ~~February~~ *March*, year 1918, by the Circuit Court for Baltimore County in Equity ordered, adjudged and decreed that the demurrer filed by the Defendant to the bill of complaint in the above entitled cause, be and the same is hereby sustained and the bill of complaint is dismissed with costs to the Defendant.

Mrs. J. D. Ducey

24 23/59 14377
IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

RUSSELL I. DIGGS,
ANNA C. DIGGS, his wife,
SAMUEL W. LAWDER
JESSE B. LAWDER, his wife
GEORGE H. FRANKTON,
MARGARET B. FRANKTON, his wife
WILLIAM HENRY BECK, and
JOHANNA C. BECK, his wife

Complainants.

Vs.

MORGAN COLLEGE, a corpora-
tion
duly incorporated under the
Laws of the State of
Maryland,
Respondent.

APPEAL

197

7

Mr. Clerk,-

Please file.

*Copy account for
any in Dept.*

FILED MAR 12 1918

RUSSELL I. DIGGS,	:	
ANNA C. DIGGS, his wife,	:	
SAMUEL W. LAWDER,	:	IN THE CIRCUIT COURT
JESSE B. LAWDER, his wife,	:	
GEORGE H. FRANKTON,	:	
MARGARET B. FRANKTON, his wife,	:	
WILLIAM HENRY BECK, and	:	FOR
JOHANNA C. BECK, his wife	:	
	:	
Complainants	:	BALTIMORE COUNTY.
	:	
VS.	:	
	:	
MORGAN COLLEGE, a corporation	:	
duly incorporated under the	:	
Laws of the STATE OF MARYLAND	:	IN EQUITY.
	:	
Respondent	:	
	:	

Mr. Clerk:

aw
 Enter appeal to the Court of Appeals, from the
 decree of the Court, in the above case, sustaining the de-
 murrer to the Bill of Complaint, and dismissing the Bill.

Eugene Allen
 Attorney for Plaintiffs.

Wt 23/59 14377

No. 2

Depps

vs

Morgan College

MANDATE.

FILED NOV 20 1918

Russell I. Diggs et al,

Vs.

Morgan College, a corporation
duly incorporated under the laws
of the State of Maryland.

Court of Appeals

OF

Maryland.

OCTOBER TERM, 1918

The Appeal in this case standing ready for hearing, was argued by Counsel for the respective parties, and the proceedings have since been considered by the Court.

It is thereupon, this 30th, day of October, 1918, by the Court of Appeals of Maryland, and by the authority thereof adjudged, ordered and decreed that the decree of the Circuit Court for Baltimore County, in Equity, dated the eighth day of March, 1918, passed in the above entitled case, be and the same is hereby affirmed, costs to be paid by the appellants.

A. Hunter Boyd
John P. Briscoe
Wm. H. Thomas
Jno. R. Pattison
Hammond Urner
Henry Stockbridge
Albert Constable

COURT OF APPEALS OF MARYLAND

October Term, 1918.

Russell I. Diggs et al,

Vs.

Morgan College, a corporation,
duly incorporated under the
laws of the State of Maryland.

Appeal from the Circuit Court for
Baltimore County.

1918 October 30th. Decree affirmed, the
appellants to pay the costs.

Opinion filed. Op. Stockbridge, J.

Decree filed. To be reported.

Appellant's Cost in the Court of Appeals of Maryland,

Record	\$ 38.00	
Brief		
Appearance Fee	10.00	
Clerk	<u>1.30</u>	\$ 49.30

Appellee's Cost in the Court of Appeals of Maryland

Brief	\$	
Appearance Fee	10.00	
Clerk	<u>1.90</u>	\$ 11.90

STATE OF MARYLAND, Sct:

I, C. C. Magruder, Clerk of the Court of Appeals of Maryland, do hereby certify that the foregoing is truly taken from the record and proceedings of the said Court of Appeals.

In testimony whereof, I have hereunto set my hand as Clerk, and affixed the seal of the Court of Appeals, this twenty-ninth day of November, A. D., 1918.

C. C. Magruder, Clerk
of the Court of Appeals of Maryland.

IN THE CIRCUIT COURT FOR
BALTIMORE CITY IN EQUITY

RUSSELL I. DIGGS, et.al.
Complainants.

vs.

MORGAN COLLEGE, a corpora-
tion duly incorporated
under the Laws of the State
of Maryland.
Respondent.

PETITION AND ORDER

Mr. Clerk:

Please file, etc.

Bartlett, Poe & Claggett
Solicitors for Petitioners.

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BARTLETT, POE & CLAGGETT

ATTORNEYS AND COUNSELORS AT LAW.

S. W. COR. CALVERT AND GERMAN STS.

BALTIMORE, MD.

RUSSELL I. DIGGS,	::	IN THE
ANNA C. DIGGS, his wife,		
SAMUEL W. LAWDER,	::	CIRCUIT COURT
JESSE B. LAWDER, his wife,		
GEORGE H. FRANKTON,	::	FOR
MARGARET B. FRANKTON, his wife,		
WILLIAM HENRY BECK and	::	BALTIMORE CITY
JOHANNA C. BECK, his wife,		
Complainants,	::	
vs.	::	IN
MORGAN COLLEGE, a corporation	::	EQUITY.
duly incorporated under the Laws		
of the State of Maryland.	::	
Respondent.		

* * * * *

TO THE HONORABLE, THE JUDGES OF SAID COURT:

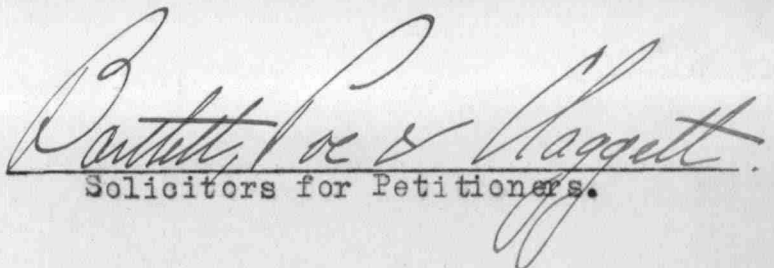
The petition of your petitioners respectfully shows unto your Honors:

1. That a bill of complaint was heretofore filed in this honorable court by your petitioners vs. Morgan College, a corporation duly incorporated under the laws of the State of Maryland, the respondent.

2. That together with said bill of complaint original deeds for a tract of land containing seventy (70) acres were filed therewith and marked "complainants' exhibit No.2".

3. That your petitioners desire to withdraw these deeds from the custody of this honorable court.

WHEREFORE, your petitioners pray that an order may be passed granting permission to your petitioners to withdraw said deeds.


Solicitors for Petitioners.

O R D E R

ORDERED, this *6th* day of *May* 1919, upon the
aforegoing petition, that the deeds filed with the bill of
complaint in the above entitled case and marked "Complainants'
Exhibit No. 2" may be withdrawn from the custody of this Court
by the petitioners on the within petition.

John J. Daney

Morgan College

19 Alberts ^{dec} 1886

Dungen

Walker-

76- 304 Albert vs Handin
 65 Dec 170 Springin
 18 Kan 529 Reach vs Carr, 1877
 30 N J Eq 394 Tonder
 52 SW 909 Tenn
 199 Dec 411 Bague
 44 Nov 108 Couges

48 Nov 145 Parks vs Easton #
 See 161
 18th Dec, 304 Coalland-

Mr. Lake-

Arter 66 Dec 9

18th Coalland

188
Is the shareholder not to develop the property into
quarry lots. Contrary to the charter require

2^d
Has the complaint any standing in Court

Poh
Steam Harb Co S G & J 319 $\frac{318}{\text{billion}}$

42 Mt 581
52 "
1020 324 bedri

Weeks vs 1st Nat

Signal, case
24th Mt RR

Power of Inroad to maintain

123 Federal 595 - by 588

17 LRA 674 05

Harbor River Co

* ~~8~~ 1 539 05

Indiana pits

46 Allente 20 by 12

Mr. Brady

negro residents colony

Ask the Court to determine because they are negroes
14th Amendment

acc
Fall
Lace
Mace
Pace
Race

1st Is the Corporation except its Corporate power

Dove vs Lake St Elward 36 LRA 97 *

Ga Colls

85
79
91