

The Shelley House

USDI/NPS NRHP Registration Form (Rev. 8-86)
United States Department of the Interior, National Park Service
National Register of Historic Places Registration Form

1. NAME OF PROPERTY

Historic Name: The Shelley House

Other Name/Site Number: J.D. and E. Shelley House;
Shelley v. Kraemer House

2. LOCATION

Street & Number: 4600 Labadie Avenue Not for publication:___

City/Town: St. Louis Vicinity:___

State: MO County: City of St. Louis Code: 510 Zip Code: 63115

3. CLASSIFICATION

Ownership of Property	Category of Property
Private: <u>X</u>	Building(s): <u>X</u>
Public-local: ___	District: ___
Public-State: ___	Site: ___
Public-Federal: ___	Structure: ___
	Object: ___

Number of Resources within Property	Noncontributing
Contributing	<u>0</u> buildings
<u>1</u>	_____ sites
_____	_____ structures
_____	_____ objects
<u>1</u>	<u>0</u> Total

Number of Contributing Resources Previously Listed in the National Register: 1

Name of related multiple property listing: N/A

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4. STATE/FEDERAL AGENCY CERTIFICATION

As the designated authority under the National Historic Preservation Act of 1986, as amended, I hereby certify that this _____ nomination _____ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property _____ meets _____ does not meet the National Register Criteria.

Signature of Certifying Official Date

State or Federal Agency and Bureau

In my opinion, the property _____ meets _____ does not meet the National Register criteria.

Signature of Commenting or Other Official Date

State or Federal Agency and Bureau

5. NATIONAL PARK SERVICE CERTIFICATION

I, hereby certify that this property is:

- _____ Entered in the National Register _____
- _____ Determined eligible for the _____
National Register
- _____ Determined not eligible for the _____
National Register
- _____ Removed from the National Register _____
- _____ Other (explain): _____

Signature of Keeper Date of Action

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6. FUNCTION OR USE

Historic: Domestic	Sub: Multiple Dwelling
Current: Domestic	Sub: Multiple Dwelling

7. DESCRIPTION

Architectural Classification:	Materials:	
Other: Two Family Flat	Foundation:	Stone
	Walls:	Brick
	Roof:	Asphalt
	Other Description:	Wood

Describe Present and Historic Physical Appearance.**Summary**

The Shelley House is a simple, unpretentious two-story, two-bay wide, masonry two-family flat with a buff brick facade; it is a typical example of the bulk of the City of St. Louis' historic housing stock. Despite some alterations undertaken by the present owners, primarily additions at the rear, the Shelley House retains its integrity of location, setting, materials, and design, dating both from the date of its construction (1906) and, more importantly, from its appearance at the time of the Supreme Court decision (1948), from which it derives its national significance.

The St. Louis Two-Family Flat

The Shelley House possesses all of the identifying characteristics of the St. Louis two-family flat. Historically, St. Louis' small-scale multi-family residences are two- or four-family flats. This property type is always built of brick, often with stone trim, two or two and one-half stories tall with a flat facade, two to six bays wide, with, in the case of a two-family flat, one apartment unit upstairs and one apartment unit downstairs. (The four-family flat has two units up and two units down; the two units on each floor are reflections of each other.) Each apartment unit has a shotgun floor plan of three or four major rooms deep. Among structures built before the turn of the

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century, access between rooms is generally directly from one room to the next; structures built later usually incorporated a hallway running along an outside wall. Overall, the buildings' shapes are rectangular, although earlier buildings are sometimes incorporated as wings at the rear.

Entrances among two-family flats are usually a pair of adjoining doors located in the far left or right facade bay so that the stairwell to the second floor runs along the exterior wall. A second floor rear exit provides access to a rear frame covered porch. Among the earliest versions of the two-family flat, however, the sole entry to the second story is next to the covered rear frame porch.

Two-family flats sit on narrow city lots, with often only a narrow "gangway" between structures. Earlier versions sit directly on the public sidewalks' edge; later versions are pushed back farther on the lots, but the buildings still occupy only the front half of the lots. During the last half of the 19th century and the first half of the 20th, entire blocks of two- or four-family flats were often built in St. Louis with uniform scale and streetscape setbacks, the structures differing only in roof type, fenestration, and architectural detailing. The Shelley House is one of many.

Present Appearance

The Shelley House, basically rectangular in shape, measures 22' x 40' and is constructed of common red brick with post and beam construction. It sits on a rough-cut stone foundation with a full basement and possesses a flat asphalt tar roof behind its parapet walls. The facade is buff brick with white mortar. Devoid of any ornament with the exception of a corbelled brick cornice line, the facade of the Shelley House is pierced by three rectangular one-over-one, double-hung windows. A one-light rectangular basement window is found in the right bay and the facade entrances and porch occupy the first story of the left bay. All windows are framed by a rough-cut stone lintel above and a smooth-cut stone lintel below. Windows on the upper story are currently covered by pairs of slender double-hung aluminum storm sash. A temporary greenhouse addition has been inserted into the lower sash of the first-story window; the historic window sash remains.

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The frame facade porch sits upon two square brick pillars and is reached by a flight of six wood steps with plain wrought-iron handrailings on each side. The shed porch roof is supported by two plain wood columns; the lower third of each column is panelled. Facade entrances are a pair of adjoining doors with rectangular one-pane transoms above each. The left door, which provides access to the second-floor flat, is a door original to the building; it contains a full-size oval glass and has raised carved details. The right door, which provides access to the first-floor flat, is a contemporary wood flush door. Both doors are protected by aluminum storm doors.

The historic first-story floor plan of the interior is four rooms off a hallway and stairwell which runs along the east exterior wall. A fireplace in the front room is surrounded by glazed green tiles, a wood mantel supported by wood Corinthian columns, and a built-in beveled glass mirror above. The woodwork is non-descript; ceilings are 10' high. The historic second-story floor plan is identical except for the presence of a small room over the stairwell. In 1971, the present owners of the Shelley House added a frame one-story bedroom addition, clad in aluminum siding, off the rear of the first floor (left bay) and a one-room addition of similar materials across the rear of the second story.

The first-story addition sits on a concrete block foundation; both additions have flat roofs. The second-story addition is reached by a single flight of wood stairs with horizontal handrails. Both additions are built around the historic one-story rear porch off the right bay of the rear elevation and could be easily removed with no damage to the historic fabric. The additions do not significantly change the structure's appearance as of the time of the Shelley decision.

The Shelley House faces north on a narrow city lot with dimensions of 25' x 147'5" in the middle of a block and neighborhood of single- and multiple-family residential properties of similar masonry construction, scale and siting. The house sits approximately 20' from the street in a uniform streetscape setback repeated the length of the block; access is provided by a concrete sidewalk; approximately 3'-wide gangways run along both the east and west elevations. A concrete slab patio adjoins the house at the rear; the backyard is fenced and contains a temporary tool shed.

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Well maintained and in excellent condition, the Shelley House is located in the heart of the Fairgrounds neighborhood. The Fairgrounds neighborhood takes its name from the nearby Fairgrounds Park, site for many years of the St. Louis Agricultural and Mechanics Fair. Like the block the Shelley House sits on, the area was built at the turn of the century as a residential neighborhood of predominantly two- and four-family flats with a sprinkling of single-family homes. Today the neighborhood is a stable Black middle-income residential area, a demographic characteristic which developed after the Shelley case was decided.

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8. STATEMENT OF SIGNIFICANCE

Certifying official has considered the significance of this property in relation to other properties: Nationally: X Statewide: Locally:

Applicable National Register Criteria: A X B C D

Criteria Considerations (Exceptions): A B C D E F G X

NHL Criteria: 1

Areas of Significance:	Period(s) of Significance	Significant Dates
Law	1948-1961	May 3, 1948
Ethnic Heritage		

- NHL Themes: XXVIII. The Law
- A. The Development of Principles in the Legal Specialties
- XXX. American Ways of Life
- E. Ethnic Communities:
 - African-American History
- XXXI. Social and Humanitarian Movements
- M. Civil Rights Movements

Significant Person(s): N/A

Cultural Affiliation: N/A

Architect/Builder: Miller, H.C.

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State Significance of Property, and Justify Criteria, Criteria Considerations, and Areas and Periods of Significance Noted Above.

Summary

The Shelley House is nationally significant in the areas of law and Black history. This modest two-family flat is directly linked with the Supreme Court's landmark decision in the case of Shelley v. Kraemer (1948). A racially restrictive covenant attached to the property was the focus of this lawsuit regarding the legality of private agreements among property owners written with the purpose of restricting property ownership to Caucasians only. This decision led to substantial change in the legal basis of this country's residential real estate activities, and, in turn, the housing patterns of ethnic minority groups and the social fabric of society throughout the United States in the succeeding decades. The exceptional importance of this case lies in the extent to which the Supreme Court's decision broadened the principle of equal access to housing for all Americans, not Blacks alone. The property therefore meets the National Historic Landmark requirement for achieving exceptional significance within the last 50 years.

History

After Reconstruction, the United States moved inexorably toward a highly segregated society based on race separation. Racial segregation in the U.S. evolved; was reinforced by law and public policy on national, State, and local levels; and was ultimately sanctioned by the Supreme Court in Plessy v. Ferguson, 163 U.S. 537 (1896).

The Civil Rights Cases of 1883 provided the backdrop, fostering racial separation, for, in them, the Supreme Court held that private invasion of individual rights was not prohibited by the Fourteenth Amendment to the Constitution. This decision implied that private citizens could enter into contracts respecting the control and disposition of their property, including racial restrictive covenants limiting use and occupancy to persons of a single race.

A racial restrictive housing covenant was a mutual agreement entered into by a group of property owners not to sell, rent, lease, or otherwise convey a property to Blacks or other minorities. The agreement frequently included not only the

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individual property owners, but other cooperating parties as well, such as a real estate board or exchange or a neighborhood association.

In the years following the 1883 ruling, racial restrictive covenants became widely used throughout the United States, from coast to coast, to limit the places where Blacks, Asians, American Indians, Mexicans, Hawaiians, Puerto Ricans, and Jews, among others, could live and acquire property. The restrictive covenant attached to the Shelley House in 1911 was typical; the covenants were drawn to "run with the land" and were recorded with the deed so that subsequent buyers were bound by the covenant and subject to suit if they breached it.

So pervasive was the effect of the pre-covenant ruling that federal agencies thereafter accepted segregated housing as a socially stabilizing policy and the Federal Housing Administration would for years insist on such Jim Crow arrangements as a condition for granting mortgage insurance. [1]

In the 1920s, the National Association for the Advancement of Colored People (NAACP) unsuccessfully challenged the contractual validity of racial restrictive covenants in the District of Columbia case of Corrigan v. Buckley, 271 U.S. 323 (1926). Thereafter, for another 20 years, racial restrictive covenants effectively limited housing accessible to Black people and other minorities, particularly in the large cities of the Nation. [2]

In St. Louis, before 1910, attitudes toward Blacks had not been especially hostile. Race conflict had been minimal because the ratio of Blacks in the population had remained stable at 6% for four decades; with minor exceptions, Blacks had stayed "in place" in the central river wards and downtown fringes. [3] Between 1910 and 1920, however, the proportion of Blacks in St. Louis increased from 6.4% to 9%. [4] Black families were forced to seek housing outside traditional Black neighborhoods. In 1916, the City of St. Louis passed the first segregation law ever enacted anywhere through an initiative petition drive, by a vote of 52,220 to 17,877. Under the new law, no person of any race could move to a block where 75% of the residents were of another race. [5] Although quickly blocked by a temporary injunction, made permanent by a Supreme Court determination that a similar Louisville ordinance was unconstitutional, the passage of this ordinance illustrated the growing climate of racial distrust in

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St. Louis. The real estate community turned to the racial restrictive covenant as a tool to "protect" White neighborhoods.

In St. Louis, the first formal racial restrictive covenants were drawn up in 1910. In the succeeding four years, 28 were formed; there were none in Chicago in a comparable period. In both Chicago and St. Louis, the post-World War I decade witnessed the highest level of activity. In St. Louis, 286 covenants were formed in that decade alone, far outstripping the 35 covenants established in the previous decade. [6] The institutionalization of forming covenants in St. Louis was dramatically abetted by the St. Louis Real Estate Exchange, a corporate real estate board founded to promote "the interests of property owners in the city," [7] and by the formation of special neighborhood associations with charters specifying the exclusion of minorities.

At the time of the case, a total of 373 restrictive agreements of record covered 559 block areas in St. Louis. Of the 559 blocks, covenants covering 143 of them had expired by 1947, and had not been renewed, Blacks thereupon moving into those areas. St. Louis areas in which Black purchase was restricted by "block agreements" still contained about eight square miles. Most of the block agreements generally fringed the areas occupied by Blacks in the older midtown and near northwest part of the city (where 4600 Labadie is located). Throughout these areas, especially west of Grand Avenue, there were blocks or groups of blocks covered by race restrictions in some form. [8]

Meanwhile, Black population was increasing exponentially in St. Louis and other major cities; the immigration of rural Blacks to the major industrial centers in search of better, but often unfulfilled, economic opportunity accelerated between World Wars I and II. Between 1910 and 1940, the non-White population of St. Louis (primarily Black) increased from 44,541 to 109,254, an almost 150% increase. The end of World War II further increased the strain on available housing as soldiers returned from overseas and flooded the job and housing markets. In this post-war era, finding housing was almost as critical a problem for urban Blacks as locating employment. [9] Racial restrictive covenants limited the Black population to small enclaves; housing available to minorities became increasingly substandard due to overcrowding.

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It is important to note that the Fairgrounds area, where the Shelley House sits, is just north of today's Grand Prairie neighborhood in north St. Louis. During the early 1870s, a number of Black families, many of them agricultural laborers on nearby farms, began to concentrate in the little town of Elleardsville in the Grand Prairie area. "Policies of formal and de facto racial segregation helped increase the number of Blacks in Elleardsville... ." [10] The pressures to expand to adjacent areas such as the Fairgrounds neighborhood for needed housing were acute.

The Shelley v. Kraemer Case

It was in this climate that the J.D. Shelleys found themselves in St. Louis with a large family and needing space in which to live. The Shelleys had migrated to St. Louis from Starksville, Mississippi, in 1930 with their six children. The unmerciful flogging by White men of a young Black girl, whom the Shelleys knew, led J.D. Shelley, a laborer, to the decision to leave Mississippi. In St. Louis, they lived first with relatives and then in overcrowded, inadequate rental quarters in the segregated part of the city. [11]

The J.D. Shelleys, in 1945, sought assistance from a real estate agent in the Black community to find a place to buy. Built in 1906, the property at 4600 Labadie was encumbered by a racial restrictive covenant dated February 6, 1911, and signed by 30 of the 39 property owners whose land fronted on both sides of Labadie Avenue in the double blocks between Taylor Avenue on the east and Cora Avenue on the west. (In 1911, 5 of the other parcels were owned by Blacks.) The property agreement, binding for a fifty-year period, prohibited the sale or rental of any of the properties covered by the agreement to any member of the "Negro or Mongolian race," under penalty of suit by the other property owners and forfeiture of title should the covenant be upheld in court. [12]

In spite of the covenant, the owners were willing to sell, and the Shelleys, the covenant unknown to them, purchased the property and moved in. By purchasing a home in a restricted neighborhood, the Shelleys unwittingly, but directly, challenged a pattern of discrimination that had persisted for decades.

The Louis D. Kraemers, owners of other property on Labadie covered by the restrictive covenant, sued in the St. Louis

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Circuit Court to restrain the Shelleys from taking title to the property. The trial court held for the Shelleys in November 1945. When the Kraemers appealed, the Missouri Supreme Court, on December 9, 1946, reversed the trial court and directed that the racial covenant be enforced.

The Shelleys then appealed to the United States Supreme Court, and certiorari (an order to send up the case record for review) was granted in June 1947. In January 1948, for the first time in a civil rights case, the United States Government filed an amicus curiae ("friend of the court") brief, through the Office of the Solicitor General, in support of the Shelleys' claim that their constitutional rights were being violated. The State argued a novel formulation, stating that, because the State stood ready to enforce restrictive covenants against Whites, enforcement of covenants against Blacks should be affirmed.

On May 3, 1948, the Court rendered its decision in Shelley v. Kraemer, holding, by a vote of 6 to 0 with three Justices not sitting, that racial restrictive covenants of any description cannot be enforced by State courts since this would constitute State action in violation of the Fourteenth Amendment. (The State's argument was readily dismissed.)

Two other cases involving challenges to racial restrictive covenants, one from Michigan and one from the District of Columbia, were joined with the Shelley case by the Court. It was the Shelley case, however, which framed the issues and plowed the legal ground in its briefs, leading the Court to reconsider its long practice of refusing to hear cases involving the constitutionality of racial restrictive covenants.

Finally, it should be noted that, although it is the right of individuals to seek redress for violations of their rights under the U.S. Constitution, in the Shelley case there were organized groups backing both sides. The Real Estate Brokers Association of St. Louis, a body of Black real estate brokers and agents, was formed in 1946 to support the Shelleys' case in the push to the U.S. Supreme Court. The Marcus Avenue Improvement Association was sympathetic with the Kraemers. Funds to defray the costs of the litigation were provided in great part by these groups.

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The Social Impact

For 52 years, since Plessy v. Ferguson (1896), the United States Supreme Court had affirmed racial segregation. Not only did the Shelley case reinstate the viability of the Fourteenth Amendment to the United States Constitution, it was a sharp thrust against an insidious device that had been used effectively to set Blacks and other minorities apart from the mainstream of American society.

The unresponsiveness of local elected officials in the area of housing rights led urban Black leaders and their supporters to challenge discrimination in the courts. The right of the individual to seek redress for violations of rights under the United States Constitution lay behind the Shelleys' actions; by asserting their constitutional rights they were to change the fabric of society. George L. Vaughn, chief attorney for the Shelleys, petitioned on the grounds of what he termed the "social issue," arguing that restriction of Black occupancy had caused overcrowding and high rents, and had tended to cause juvenile delinquency. The Shelley case is a significant milestone undergirding a fundamental precept in American society, namely, that of achieving positive social change through law and the courts.

Locally, the Supreme Court decision in the Shelley case killed seven "Jim Crow" realty suits involving racial restrictive covenants then pending in the St. Louis courts. [13] Housing restrictions, however, did not disappear overnight because of this landmark decision.

The St. Louis situation is illustrative. In 1958, a decade after the decision, 30% of St. Louis was Black, but the Missouri Advisory Committee on Civil Rights reported only 16-20% of the city's housing was available to them. [14] In the same decade, in 1950-57, 95,000 Blacks moved to the city, but only 100 new homes were built for them. Covert discrimination continued. St. Louis realtors maintained informal restrictions against Black ownership in White neighborhoods. Realtors deviating from the informal policy of restricting housing of minorities were expelled from professional organizations, a private action not then challengeable in the courts. [15] The Marcus Avenue Improvement Organization and other St. Louis realty groups continued their support of litigants challenging the Supreme Court ruling in the Shelley case. By the 1960s, with housing

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overcrowding and the failure of public housing initiatives (the classic case being the 2700-apartment Pruitt-Igoe complex, built in 1954) 18% of all Black housing in St. Louis was classed as overcrowded. [16]

Conclusion

The achievement of Shelley v. Kraemer was to reinstate the viability of the Fourteenth Amendment to the United States Constitution and render the doctrine of "separate but equal" vulnerable to successful legal challenge on all fronts. The significance of the Shelley case and its impact upon American life has been and is profound. The importance of open housing can scarcely be overestimated. Thus, the Shelley House is associated with an event, namely, the United States Supreme Court decision in Shelley v. Kraemer of May 3, 1948, which has made a profound contribution to the broad patterns of U.S. history, notably in the fields of housing and race relations.

In 1961, the year the original restrictive covenant would have expired if upheld, the Shelleys sold 4600 Labadie. By that time, the case was headed for immortality--in textbooks on civil liberties [17], in citations in other cases [18], and in national, State, and local laws barring discrimination in housing.

Footnotes

1. Richard Kluger, Simple Justice (New York: Knopf, 1975), p. 120.
2. C. Johnson and H. Long, People v. Property (Nashville: Fisk University Press, 1947).
3. James Neal Primm, Lion of the Valley: St. Louis, Missouri (St. Louis: Pruett Publishing Co., 1981), p. 43.
4. Ibid., p. 441.
5. Ibid., p. 438.
6. C. Johnson and H. Long, op. cit., p. 13.
7. Ibid., p. 17.

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8. St. Louis Dispatch, May 4, 1948.
9. Lorenzo J. Greene et al., Missouri's Black Heritage (Forum Press, 1980), p. 124.
10. Missouri Historical Society, St. Louis Neighborhoods, A Story of Streets in Grand Prairie (St. Louis: Missouri Historical Society, 1978).
11. Interview, Margaret Bush Wilson, with J.D. Shelley, August 12, 1987.
12. City of St. Louis, Deed Book 2400, p. 488.
13. St. Louis Globe-Democrat, May 4, 1948.
14. Greene et al., op. cit., p. 129.
15. R.S. Kirkendall, A History of Missouri: 1919-1953 (University of Mississippi, 1986).
16. Greene et al., op. cit., p. 145.
17. Paul A. Freund et al., Constitutional Law (Boston: Little, Brown & Co., 1967), pp. 1275-1281.
18. E.g., Mulkey v. Reitman, 64 Cal. 2d 529, 413 P. 2d 825 (1966).

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9. MAJOR BIBLIOGRAPHICAL REFERENCES

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Missouri Historical Society. St. Louis Neighborhoods: A Study of Streets in Grand Prairie. St. Louis: Missouri Historical Society, 1978.

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Office of Recorder of Deeds, City of St. Louis, Book 6378, p. 59.

Primm, James Neal. Lion of the Valley: St. Louis, Missouri. St. Louis: Pruett Publishing Co., 1981.

St. Louis Argus, October 12, 1945; November 23, 1945; May 7, 1948.

St. Louis Globe-Democrat, December 10, 1946; May 4, 1948.

St. Louis Post-Dispatch, October 10, 1945; December 9, 1946; May 3, 1948; May 4, 1948.

Shelley, J.D., interview by Margaret Bush Wilson, August 12, 1987.

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Shelley v. Kraemer, 334 U.S. 1, 68 S. Ct. 836, 92 L. Ed. 1161
(1948).

Vose, C. Caucasians Only. University of California Press, 1959.

Previous documentation on file (NPS):

- Preliminary Determination of Individual Listing (36 CFR 67) has been requested.
- Previously Listed in the National Register.
- Previously Determined Eligible by the National Register.
- Designated a National Historic Landmark.
- Recorded by Historic American Buildings Survey: # _____
- Recorded by Historic American Engineering Record: # _____

Primary Location of Additional Data:

- State Historic Preservation Office
- Other State Agency
- Federal Agency
- Local Government
- University
- Other: Specify Repository: City Hall, St. Louis;
St. Louis Public Library

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10. GEOGRAPHICAL DATA

Acreage of Property: Less than one acre.

UTM References: Zone Easting Northing

A 15 739790 4283200

Verbal Boundary Description:

The eastern 23' of Lot No. 32, the western 2' of Lot No. 31, and Part Lot 41 in Block No. 3711-A of the City of St. Louis. Together fronting 25' on the south line of Labadie Avenue by a depth southwardly of 147'5" to an alley, on which there are improvements known as and numbered 4600 Labadie Avenue.

Boundary Justification:

The boundary of the property is the legal boundary of the property owned by the Shelleys at the time of the decision.

11. FORM PREPARED BY

Name/Title: Beverly A. Fleming, Chief, Preservation Planning, Department of Natural Resources, Division of Parks, Recreation, and Historic Preservation, State of Missouri; and Margaret Bush Wilson, Chair, The Shelley Project, St. Louis Chapter, Girl Friends Inc.; edited by James H. Charleton, Historian

Organization: History Division, WASO, NPS Date: June 18, 1990

Street & Number: P.O. Box 37127 Telephone: (202) 343-8165

City or Town: Washington State: DC Zip: 20013-7127

THE SHELLEY HOUSE

ST. LOUIS CITY, MO.

Figure 1

First Floor Plan

