

United States Department of the Interior
National Park Service

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National Register of Historic Places
Registration Form

NATIONAL
REGISTER

This form is for use in nominating or requesting determinations of eligibility for individual properties or districts. See instructions in *Guidelines for Completing National Register Forms* (National Register Bulletin 16). Complete each item by marking "x" in the appropriate box or by entering the requested information. If an item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, styles, materials, and areas of significance, enter only the categories and subcategories listed in the instructions. For additional space use continuation sheets (Form 10-900a). Type all entries.

1. Name of Property

historic name The Shelley House
other names/site number Shelley, J.D. and E., Home; Shelley v. Kraemer House

2. Location

street & number 4600 Labadie Avenue not for publication
city, town Saint Louis vicinity
state Missouri code MO county City of St. Louis code 510 zip code 63115

3. Classification

Ownership of Property	Category of Property	Number of Resources within Property	
<input checked="" type="checkbox"/> private	<input checked="" type="checkbox"/> building(s)	Contributing	Noncontributing
<input type="checkbox"/> public-local	<input type="checkbox"/> district	<u>1</u>	<u>0</u> buildings
<input type="checkbox"/> public-State	<input type="checkbox"/> site	_____	_____ sites
<input type="checkbox"/> public-Federal	<input type="checkbox"/> structure	_____	_____ structures
	<input type="checkbox"/> object	_____	_____ objects
		<u>1</u>	<u>0</u> Total

Name of related multiple property listing:
N/A

Number of contributing resources previously listed in the National Register 0

4. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act of 1966, 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. See continuation sheet.

Wayne E. Shaw 3/8/88
Signature of certifying official Date

State or Federal agency and bureau _____

In my opinion, the property meets does not meet the National Register criteria. See continuation sheet.

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. See continuation sheet.

determined eligible for the National Register. See continuation sheet.

determined not eligible for the National Register.

removed from the National Register.

other, (explain:)

[Signature] Apr. 18, 1988
Signature of the Keeper Date of Action

6. Function or Use

Historic Functions (enter categories from instructions)

Domestic: Multiple Dwelling

Current Functions (enter categories from instructions)

Domestic: Multiple Dwelling

7. Description

Architectural Classification

(enter categories from instructions)

Other: Two-family flat

Materials (enter categories from instructions)

foundation Stone

walls Brick

roof Asphalt

other Wood

Describe present and historic physical appearance.

The Shelley House, 4600 Labadie Avenue, St. Louis 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 its appearance at the time of the Supreme Court landmark decision (1948) from which it derives its 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 residential structures consist primarily of the two- or four-family flat. This property type is always built of brick, often with stone trim, two or two and one-half stories tall, 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 identical reflections of each other.) Each apartment unit has a shotgun floorplan arrangement of three or four major rooms deep. Among structures built prior to the turn of the 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 building's shape is 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. However, among the earliest versions of the two-family flat, the sole entry to the second story is next to the covered rear frame porch.

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

See continuation sheet

**United States Department of the Interior
National Park Service**

**National Register of Historic Places
Continuation Sheet**

The Shelley House

Section number 7 Page 1

Present physical 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(see photo #1). 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.

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 floorplan of the interior (see figure 1) 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 mantle supported by wood corinthian columns, and a built-in beveled glass mirror above. Woodwork is non-descriptive; ceilings are ten feet high. The historic second-story floorplan 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 (see photo #2).

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 of the Shelley House. The additions do not significantly affect the structure's appearance at the time of the Shelley decision.

**United States Department of the Interior
National Park Service**

**National Register of Historic Places
Continuation Sheet**

Section number 7 Page 2

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 (see photo #3). The house sits approximately 20 feet from the street in a uniform streetscape setback repeated the length of the block; access to the house is provided by a concrete sidewalk; approximately three-foot-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.

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 demographical characteristic which developed after the Shelley case was decided.

8. Statement of Significance

Certifying official has considered the significance of this property in relation to other properties:

nationally statewide locally

Applicable National Register Criteria A B C D

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

Areas of Significance (enter categories from instructions)

Law
Ethnic Heritage
Social History

Period of Significance

1948

Significant Dates

5/3/48

Cultural Affiliation

N/A

Significant Person

N/A

Architect/Builder

Miller, H. C.

State significance of property, and justify criteria, criteria considerations, and areas and periods of significance noted above.

The Shelley House, 4600 Labadie, St. Louis, Missouri is eligible for listing on the National Register of Historic Places under criterion A due to its association with an event that is significant in the areas of Law, Social History, and Ethnic Heritage. This modest two-family flat is directly linked with a specific historic event which occurred in 1948: a racial restrictive covenant attached to this property was the focus of debate before the United States Supreme Court regarding the legality of private agreements among property owners written with the purpose of restricting property ownership to Caucasians only. The Supreme Court's landmark decision in the case of Shelley v. Kraemer, 334 U.S. (1948), 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 our 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; the property thereby meets the National Register requirements for achieving exceptional significance during the past 50 years and is eligible for National Register listing under criterion exception G.

Historic Background

With the end of the War between the States and the brief Reconstruction period immediately following, the United States moved inexorably toward a segregated society based on race. Racial segregation in the U.S. was enforced as a matter of law and public policy (Plessy v. Ferguson, 163 U.S. 537 (1896)).

The Civil Rights Cases of 1883 provided an important backdrop fostering this racial separation, in holding that private invasion of individual rights was not prohibited by the Fourteenth Amendment to the Constitution of the United States. The meaning of this decision was clear - private citizens could enter into contracts respecting the control and disposition of their own property, including racial restrictive covenants limiting use and occupancy to persons of the Caucasian 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 particular minorities. The agreement frequently included not only the

See continuation sheet

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Section number 8 Page 1

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

In the years following the 1883 ruling, racial restrictive covenants became widely used throughout the United States from California to the District of Columbia to limit the places where black people, yellow people, and in some cases, Jews and others, could live and acquire property. The restrictive covenant attached to the Shelley House in 1911 was typical of many others; the covenants were drawn to "run with the land" and were recorded in the City Recorder of Deeds Office so that subsequent buyers were bound by the covenant and subject to suit.

As Richard Kluger pointed out in Simple Justice, at p. 120: "So pervasive was the effect of the pro-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."

In the 1920's, the National Association for the Advancement of Colored People (NAACP) unsuccessfully challenged the validity of racial restrictive covenants in the case of Corrigan v. Buckley 271 U.S. 323 (1926). This was a major setback for the cause of freedom and for the NAACP. Thereafter, for nearly 20 years, racial restrictive covenants effectively limited housing accessible to black people, particularly in the large cities of the nation (C. Johnson and H. Long).

In St. Louis, attitudes towards blacks had not been especially hostile since Reconstruction. Race conflict had been minimal because the ratio of blacks to the population had remained at a stable six percent for four decades; with minor exceptions, blacks had stayed in place in the central river wards and downtown fringes (Primm 43). However, between 1910 and 1920 the proportion of black population in St. Louis increased from 6.4% to 9% (Primm 441). Black families were forced to seek housing outside of the traditional black neighborhoods. In addition, a general pattern of hostility towards blacks and other minorities marked the post WWI era (Greene et al 110). 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 (Primm 438). Although quickly blocked by a temporary injunction, made permanent by a Supreme Court determination that a similar Louisville ordinance was unconstitutional, the successful passage of this ordinance illustrated the growing climate of racial distrust in St. Louis. The real estate community turned to the racial restrictive covenant as a tool to "protect" white neighborhoods.

A 1947 Fisk University study compared the growth and maintenance of restrictive covenants in Chicago, St. Louis and other American cities; this landmark study

United States Department of the Interior
National Park ServiceNational Register of Historic Places
Continuation Sheet

The Shelley House

Section number 8 Page 2

presented some startling findings. In St. Louis, the first formal racial restrictive covenants were not drawn up until 1910. In the succeeding four years 28 were formed; there were none in Chicago in a comparable period. No covenants were formulated in Chicago until 1925, but 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 this decade alone, far outstripping the 35 covenants established in the previous decade (C. Johnson and H. Long 13). The institutionalization of forming covenants in St. Louis was dramatically abetted by the St. Louis Real Estate Exchange, a corporate real estate board founded in the city to promote "the interests of property owners in the city" (C. Johnson and H. Long 17). The study also shows that activities associated with the formation of racially restrictive covenants, for example, the formation of special neighborhood associations with charters specifying the exclusion of minorities, were primarily found in the post World War I and II decades of 1920 and 1945-55 respectively. A total of 373 restrictive agreements of record covering 559 block areas in St. Louis were found by Fisk researchers. Of the 559 blocks, covenants covering 143 of them had expired and not been renewed, black people thereupon moving into those areas.

According to an article in the St. Louis Post-Dispatch of May 4, 1948, "St. Louis areas restricted to Negroes by fringe 'block agreements' contain about eight square miles". It was pointed out that most of the block agreements generally fringe the areas in the older midtown and near northwest part of the city (where 4600 Labadie is located) now occupied by Negroes. Throughout these areas, especially west of Grand Avenue, there were blocks or groups of blocks, such as the block containing 4600 Labadie, covered by race restrictions in some form.

Meanwhile, the black population was increasing exponentially in both 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 WWI and WWII. Between 1910 and 1940, the non-white population of St. Louis (primarily black) increased from 44,541 to 109,254, an almost 150% increase (U.S. Decennial Census, 1900-1970). The end of the war further increased the strain on available housing as soldiers returned from overseas and flooded the job and housing markets (Greene et al 124). In this post-war era finding housing was almost as critical a problem for urban blacks as locating employment (Greene et al 129). Racial restrictive covenants limited the black population to small enclaves of city housing; housing available to minorities became increasingly substandard due to overcrowding.

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 1870's, 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. According to a monograph published recently by the Missouri

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

The Shelley House

Section number 8 Page 3

Historical Society entitled, St. Louis Neighborhoods, A Story of Streets in Grand Prairie: "Policies of formal and de facto racial segregation helped increase the number of blacks in Elleardsville..." The pressures to expand to adjacent areas such as the Fairground area for needed housing were acute.

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. (Interview with J. D. Shelley).

The Shelley v. Kraemer Case

The J.D. Shelleys, who were not Caucasian, 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 thirty of the thirty-nine 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. The property agreement, binding for a fifty-year period, prohibited the disposal of any of the properties covered by the agreement to any member of the "negro or mongoloid race" under penalty of suit by the other property owners and forfeiture of title should the covenant be upheld in court (City of St. Louis, Office of Recorder of Deeds, Book 2400, 488).

The owners of 4600 Labadie were willing to sell in spite of the covenant and, in 1945, the Shelleys purchased the property and moved in. By purchasing a home in a restricted neighborhood, the Shelleys made a direct challenge to 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 Circuit Court to restrain the Shelleys from taking title to the property. The trial court was held for the Shelleys in November of 1945. When the Kraemers appealed, the Missouri Supreme Court, on December 9, 1946, reversed the trial court and directed that the terms of 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 of 1947. Early in 1948, for the first time in a civil rights case, the United States Government filed an amicus curiae brief (friend of the court) through the Office of the Solicitor General in support of the Shelley's claim that their constitutional rights were being violated. On May 3, 1948, the United States Supreme Court rendered its

United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

The Shelley House

Section number 8 Page 4

landmark decision in Shelley v. Kraemer holding, by a vote of 6 to 0 with three justices not sitting, that racial restrictive covenants cannot be enforced by the courts since this would constitute state action in violation of the Fourteenth Amendment (see Appendix I).

Two other cases, one from Michigan and one from the District of Columbia, involving challenges to racial restrictive covenants were later joined with the Shelley case by the U.S. Supreme Court. The lead case was never in doubt, however, as being the Shelley case, for it was this St. Louis lawsuit which framed the issues and plowed the legal ground in its briefs leading the U.S. Supreme Court to reconsider its past practice of refusing to hear cases involving the constitutionality of racial restrictive covenants.

Finally, it should be noted that it is the right of individuals to seek redress for violations of their rights under the U.S. Constitution. However, in the Shelley case, there were strong or determined organized groups on both sides whose impact was significant. The Real Estate Brokers Association of St. Louis, a body of black real estate brokers and agents formed in 1946 by pioneer broker James T. Bush, Sr., for the purpose of supporting the Shelley case in the push to the U.S. Supreme Court, was one key group. The Marcus Avenue Improvement Association, sympathetic with the Kraemers, was another group. It is generally known that funds to allay the costs of the Shelley case were provided in great part by these groups and others associated with them.

The Social Impact

Through the previous 52 years, the United States Supreme Court had refused to take a hard consistent look at 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 effectively set blacks and others apart from mainstream 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 their rights under the United States Constitution lay behind the Shelleys actions; in 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 Negro 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.

United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

The Shelley House

Section number 8 Page 5

A local impact of the U.S. Supreme Court decision in the Shelley case was, according to the St. Louis Globe-Democrat (May 4, 1948), to kill seven "Jim Crow" realty suits that were pending in the St. Louis courts involving racial restrictive covenants. However, housing restrictions did not disappear overnight because of this landmark decision. 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 black city dwellers (Greene et al 129). In the same decade, between 1950-7, 95,000 blacks moved to the city, but only 100 new homes were built for them. The pattern of covert discrimination continued. St. Louis realtors maintained informal restrictions against black ownership in white neighborhoods. Realtors deviating from the informal policy of restricting housing to minorities were expelled from professional organizations, a private action not challengeable in the courts (Kirkendall 368). The Marcus Avenue Improvement Organization and other prominent St. Louis realty groups continued their support of litigants challenging the Supreme Court ruling in the Shelley case. By the 1960s housing overcrowding and the failure of public housing initiatives (the classic case being the 2700 apartment Pruitt-Igoe complex in St. Louis, built in 1954) found 18% of all black housing in St. Louis being classed as overcrowded (Greene et al 145).

The achievement of Shelley v. Kraemer was, however, to reinstate the viability of the Fourteenth Amendment to the United States Constitution and render the doctrine of 'separate but equal' vulnerable to future successful legal attack. 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. Integrated living has pervasive positive effects for society--less alienation of minorities, less apprehension by whites, elimination of the need for school busing, and expansion of employment opportunities.

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 significant and profound contribution to the broad patterns of our history, particularly 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. The present owners, Lenton and Joannia Morris, have consented enthusiastically to this nomination.

9. Major Bibliographical References

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 # _____

See continuation sheet

Primary location of additional data:

- State historic preservation office
- Other State agency
- Federal agency
- Local government
- University
- Other

Specify repository:

City Hall, St. Louis, Microfilm Dept.
St. Louis Public Library

10. Geographical Data

Acreage of property Less than one acre

UTM References

A

1	5	7	3	9	7	9	0	4	2	8	3	2	0	0
Zone				Easting				Northing						

C

Zone				Easting				Northing						

B

Zone				Easting				Northing						

D

Zone				Easting				Northing						

See continuation sheet

Verbal Boundary Description The Eastern 23 feet of Lot No. 32 and the Western 2 feet of Lot 31 and part of Lot 41 and in Block No. 3711 A of the City of St. Louis, together fronting 25 feet on the south line of Labadie Avenue by a depth Southwardly of 147 feet 5 inches to an alley, on which there are improvements known as and numbered 4600 Labadie Avenue.

See continuation sheet

Boundary Justification The boundary of the Shelley property includes those parts of the city blocks that have been certified by Land Title Insurance Company of St. Louis as the legal boundaries of the property in question. The property is located entirely within the city limits of the city of St. Louis, which is a charter city not within any designated county. The city of St. Louis has laid out all property boundaries by lot and block number and has an official map setting out this pattern.

See continuation sheet

11. Form Prepared By

name/title 1. Margaret Bush Wilson, Chair, The Shelley Project
organization St. Louis Chapter, Girl Friends, Inc. date August 20, 1987
street & number 4054 Lindell Boulevard telephone 314/534-4400
city or town St. Louis state Missouri zip code 63108

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Section number 9 Page 1

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United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

Section number 9 Page 2

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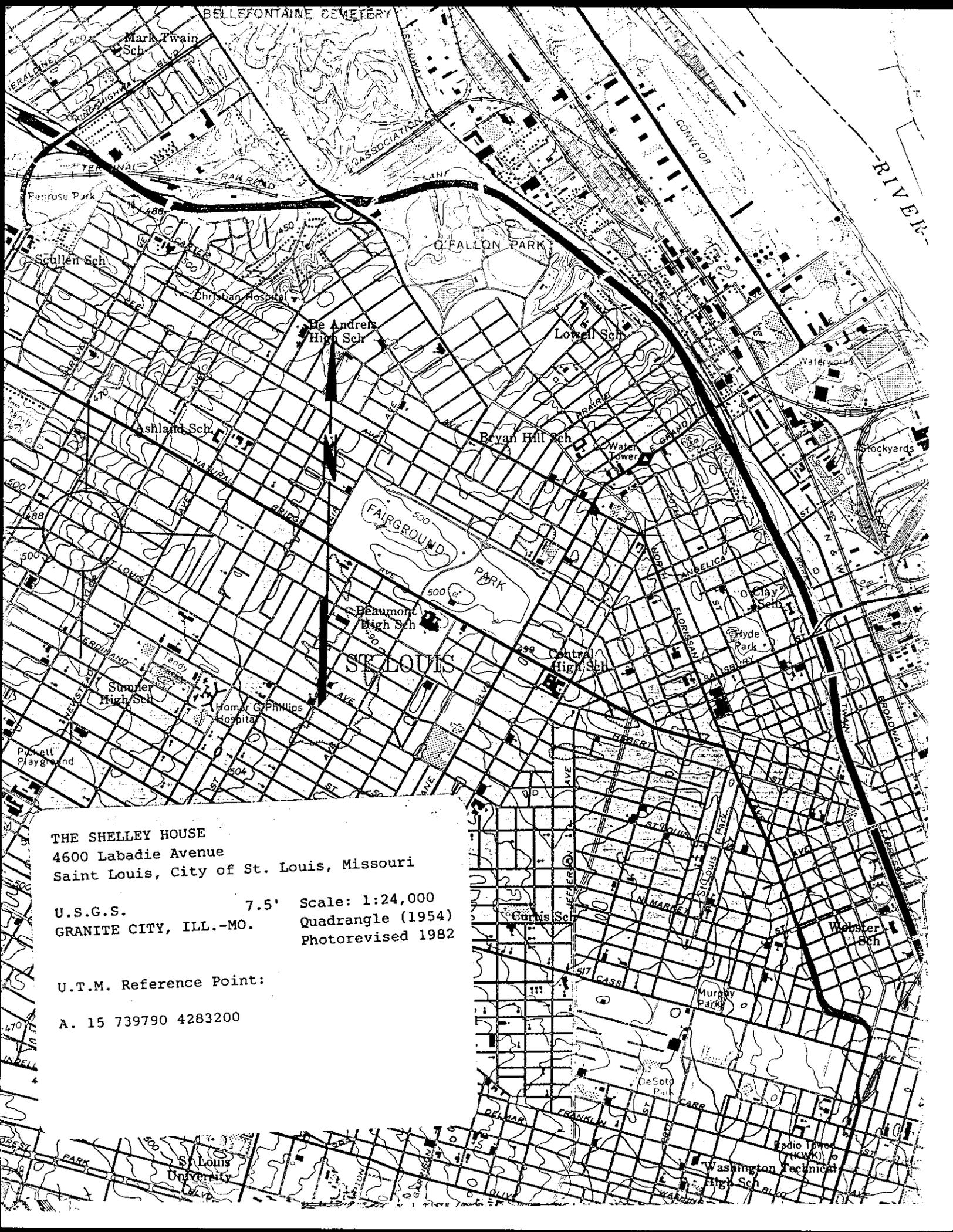
**United States Department of the Interior
National Park Service**

**National Register of Historic Places
Continuation Sheet**

The Shelley House

Section number 11 Page 1

2. Beverly A. Fleming
Chief, Preservation Planning and
State Contact Person
Department of Natural Resources
Division of Parks, Recreation, and Historic Preservation
P. O. Box 176
Jefferson City, Missouri 65102
Date: March 7, 1988
Phone: 314/751-7960



THE SHELLEY HOUSE
4600 Labadie Avenue
Saint Louis, City of St. Louis, Missouri

U.S.G.S. 7.5' Scale: 1:24,000
GRANITE CITY, ILL.-MO. Quadrangle (1954)
Photorevised 1982

U.T.M. Reference Point:

A. 15 739790 4283200

THE SHELLEY HOUSE
ST. LOUIS CITY, MO.

Figure 1
First Floor Plan

