

# Transcript of Record,

FROM THE

**Baltimore City Court,**

IN THE CASE OF

*William Ruths  
vs Margretta Ruths  
his wife*

Plaintiff

— Against —

*George Reuling*

Defendant

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*J. T. Mason }  
Joseph Packard } Attorneys for Plaintiff*

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*P. D. Morrison  
Attorney for Defendant.*

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State of Maryland,

City of Baltimore, Oct:

At a Session of the BALTIMORE CITY COURT, in the Eighth Judicial Circuit of the State of Maryland, begun and held at the Court House in the City of Baltimore, in and for the city aforesaid, on the second Monday of January (being the Twelfth day of the same month,) in the year of our Lord one thousand eight hundred and Eighty

PRESENT,

The Honorable Henry J. Gary associate Judge of the Supreme Bench of Baltimore City, assigned to and presiding in the Baltimore City Court.

Alfred Smyth Esq., Sheriff

N. C. ROBERTSON, CLERK.

Among other were the following proceedings, to wit:

William Ruths &  
Margaretta Ruths  
his wife Plaintiffs

vs.

George Reuling  
Defendant

Be it Remembered, That heretofore, to wit, on the eighth day of March in the year of our Lord one thousand eight hundred and Twenty eight the said

William Ruths &  
Margaretta Ruths his wife

by J. Thomas Mason, R. Mason Esquire,  
their attorney filed in the Baltimore City Court here, the following tilling,  
to wit:

William Ruths &  
Margretta Ruths his wife  
vs.

George Reuling

In the Baltimore City Court,  
March return day, 1878

Claim \$

N. C. Robertson, Esquire  
Clerk

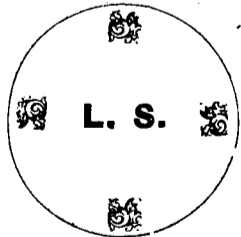
Issue summons for defendant and make writ returnable Second  
Monday of March 1878

J. T. Mason, R.

Plaintiff's Attorney.

Upon which said tilling the writ of the State of Maryland  
of summons accordingly issues against the said defendant directed to the  
Sheriff of Baltimore City, in the words and of the tenor following, to wit:

**Baltimore City, to wit:**



STATE OF MARYLAND,

To the Sheriff of Baltimore City, Greeting:

You are hereby commanded to summons

George Reuling

of Baltimore City, to appear before the Baltimore City Court, to be held at the Court House in the same city, on the second Monday of March to answer an action at the suit of William Ruths and Margaret Ruths his wife and have you then and there this writ.

Witness the Honorable George Wm. Brown, Chief Judge of the Supreme Bench of Baltimore City, the 14<sup>th</sup> day of

January A. D. 1878

Issued the 8<sup>th</sup> day of March 1878

N. C. Robertson, Clerk

At which said Second Monday of March in the year aforesaid, being the day of the return of the aforesaid writ of summons, comes into the Baltimore City Court here the said plaintiffs by their attorney aforesaid, and the Sheriff of Baltimore City, to whom the said writ was in form aforesaid directed, makes return thereof to the Court here thereon endorsed, to wit: Summoned.

Philip M. Snowden, Sheriff

And the said defendant being called appear in the Baltimore City Court here by Robert D. Morrison his attorney.

And thereupon on motion of the said defendant by his attorney aforesaid, it is ruled by the Court here that the said plaintiffs declare against the said defendant in the action aforesaid or Judgment will be rendered against them by default.

And the cause so remaining is continued from term to term of the Court, until the Second Monday of September A.D. 1878.

At which said second Monday of September in the year last aforesaid come again into Court here the parties aforesaid by their Attorney aforesaid.

And thereupon on the fifth day of December in the year last aforesaid, the said Plaintiff by their Attorney aforesaid filed in Court here in said cause the following declaration to wit:

"Declaration"

In the Baltimore City Court.

Baltimore City, to wit:

William Ruths and Margretta Ruths his wife by John T. Mason, R., their Attorney, sue George Reuling.

<sup>1<sup>st</sup></sup> For that the plaintiffs at the defendants request, retained and employed the defendant as a surgeon and oculist to attend upon the plaintiff Margretta and endeavour

to cure her of a disease under which she then labored for reward. And the defendant in consideration of being paid for his skill and labor, accepted and entered upon said retainer and employment and undertook and promised to cure the plaintiff Margretta. Yet the defendant not regarding his promise and undertaking and the duty of his business and employment conducted himself in an ignorant, unskilful, and negligent manner in that behalf, whereby the said Margretta became worse and was entirely deprived of her eyesight and suffered great pain and was prevented from following her usual employment and her recovery from her said disease rendered impossible.

2<sup>nd</sup> And for that the defendant was a Surgeon and Oculist and was retained and employed as such Surgeon and oculist for a certain reasonable reward to be to him therefor paid, to treat attend to and cure the plaintiff Margretta of a disease

under which she then labored. And the defendant in consideration of being paid for his skill and labour accepted and entered upon said retained and employment and undertook and promised to cure the plaintiff Margretta. Yet the defendant not regarding his promise and undertaking and the duty of his business and employment, conducted himself in an ignorant, unskillful and negligent manner in that behalf, whereby the said Margretta became worse and was entirely deprived of her eyesight and suffered great pain and was prevented from following her usual employment and her recovery from her said disease rendered impossible.

And the plaintiffs claim therefor \$10,000

J. T. Mason R.

Attorney for Plaintiff.

Upon which said declaration is the following admission of service to wit,

"Service admitted."

R. L. Morrison  
Atty for Deft.

And thereupon the said plaintiffs by their Attorney aforesaid pray that the said defendant may answer to the declaration of them the said Plaintiffs in the Action aforesaid, Whereupon it is ruled by the Court here, that the said Defendant answer to the declaration of the said plaintiffs in the action aforesaid, or judgment will be rendered against him by default.

And thereupon the said defendant by his Attorney aforesaid comes into Court here and defends the wrong and injury &c, and says that he is "not Guilty" of the supposed trespasses above laid to his charge, or any or either of them, in manner and form as the said Plaintiffs have above complained against him, and of this he puts himself upon the country &c.

And the said plaintiffs do the like.

Thereupon further process of and upon the premises aforesaid between the parties aforesaid by order of the Court here thereon is continued from term to term of the Court



until the Second Monday of May in the  
year 1879.

At which said Second Monday of  
May in the year last aforesaid, come again  
into Court here the parties aforesaid by their  
Attorneys aforesaid,

And thereupon on the 15<sup>th</sup> day of  
May in the year last aforesaid the follow-  
ing agreement was filed to wit,

William Ruths  
    + Wife  
vs  
George Reuling } In the Baltimore  
                          } City Court  
                          } May Term 1879.

It is agreed in the above entitled cause  
that all errors of pleadings shall be waived  
and either party may prosecute or defend  
as they could in any state of the pleadings

J. T. Mason, R.

Attorney for Plaintiff

R. D. Morrison

Attorney for Defendants

And the cause so remaining is continued from term to term of the Court until the Second Monday of January A.D. 1880.

At which said Second Monday of January in the year last aforesaid comes again into Court here the parties aforesaid by their Attorney aforesaid, and thereupon on the 20<sup>th</sup> day of February in the year last aforesaid the defendant by his Attorney aforesaid filed in Court here the following suggestion and affidavit for removal to wit;

William Ruths

vs } In Baltimore  
Wife } City Court  
George Reuling } January Term 1880

The Defendant in this case suggests to the Court here, that he believes he cannot have a fair and impartial trial in this Court, and prays the Court to order and direct the removal of the record of proceedings in his case

To the Court of some adjoining Circuit  
for trial

R. D. Morrison

Attorney for Defendant.

On this 20<sup>th</sup> day of February A. D. 1880.  
appears in open Court here George  
Reuling the defendant in the above case  
and makes oath on the Holy Evangelys  
of Almighty God, that the matters and  
things contained in the above suggestion  
are true to the best of his knowledge & belief.

A. C. Robertson

Clerk Baltimore City Court.

Ordered by the Court this 20<sup>th</sup> day of February  
1880 that the record of proceedings in the above  
case be transmitted to the Circuit Court for  
Howard County for trial.

Henry F. Gary,

And the same is transmitted accordingly.

Test A. C. Robertson, Clerk.

State of Maryland,

City of Baltimore, Set:

I, N. C. Robertson Clerk of the Baltimore City Court,  
Do Hereby Certify, that the foregoing is a full, true and entire  
transcript, taken from the record and proceedings of the said Court in the  
therein entitled cause.

In Testimony Whereof, I hereunto set my hand and  
affix the Seal of the Baltimore City Court  
aforesaid, on this Twenty Third  
day of February eighteen hundred  
and ~~sixty~~ Eighty

N. C. Robertson

Clerk

Plff Cost \$ 27.30  
Deft " \$ 28.00 pd by deft  
Record " \$ 6.50 " " "

145

William Ruths  
& Margretta Ruths  
his wife

vs

George Reiling

Nav. Plea of Non-est & venue joined



Filed Feb 26<sup>th</sup> Feb 1880

169/143

# Transcript of Record,

FROM THE

**Baltimore City Court,**

IN THE CASE OF

*William Ruths*

**Plaintiff**

*Against*

*George Reuling*

**Defendant**

---

*J. Tho. Mason* }  
*Joseph Packard* } *Attorney for Plaintiff*

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*D. R. Morrison*  
*Attorney for Defendant,*

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State of Maryland,

City of Baltimore, Feb:

At a Session of the BALTIMORE CITY COURT, in the Eighth Judicial Circuit of the State of Maryland, begun and held at the Court House in the City of Baltimore, in and for the city aforesaid, on the second Monday of January (being the Twelfth day of the same month,) in the year of our Lord one thousand eight hundred and Eighty

PRESENT,

The Honorable Henry F. Gary, associate Judge of the Supreme Bench of Baltimore City, assigned to and presiding in the Baltimore City Court.

Alfred C. Smyke, Esq., Sheriff

N. C. ROBERTSON, CLERK.

Among other were the following proceedings, to wit:

William Ruths

Plaintiff

vs.

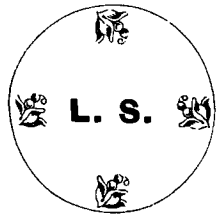
George Reuling

Defendant

Be it Remembered, That heretofore, to wit, on the eighteenth day of April in the year of our Lord one thousand eight hundred and Twenty eight the said

William Ruths

by J. Tho. Mason R. Esquire, his Attorney,  
prosecuted and sued out of the Court here the writ of the State of Maryland of  
Summons, directed to the Sheriff of Baltimore City, in the words and of the  
tenor following, to wit:



**Baltimore City, to wit:**

State of Maryland,

To the Sheriff of Baltimore City. Greeting:

You are hereby commanded to Summon

George Reuling

to appear before the Baltimore City Court, to be held at the Court House in the  
same city on the second Monday of May  
to answer an action at the suit of

William Ruckes

and have you then and

there this writ.

Witness, the Honorable Geo. Wm. Brown, Chief Judge of the Supreme  
Bench of Baltimore city, the 14" day of January 1878  
Issued 18" day of April 1878.

A. C. Robertson, Clerk.

And the said Plaintiff at the time of bringing his action aforesaid, declared  
against the said Defendant ~~with a notice to his declaration annexed, and at the~~  
~~same time also filed therewith an affidavit with a~~  
which declaration ~~is~~ is in the words, figures and  
tenor following, to wit:



"Declaration."

In the Baltimore City Court.

Baltimore City, to wit:

William Ruths, by John T. Mason, &  
his Attorney, sues George Reuling.

For that the plaintiff, at the defendant's request, retained and employed the defendant as a surgeon and oculist to attend upon the plaintiff's wife, and endeavour to cure her of a disease under which she then labored for reward.

And the defendant accepted and entered upon the said retainer and employment; yet the defendant conducted himself in an ignorant unskilful and negligent manner in that behalf, so that the sight of the plaintiff's wife was destroyed, whereby the plaintiff lost the services of his wife, and has incurred expenses in medical and other attendance to endeavour to cure her.

And the Plaintiff claims therefor \$10,000

J. T. Mason R  
Attorney for Plaintiff

**State of Maryland, City of Baltimore, to wit:**

I hereby certify, that on this ..... day of  
 ..... 18 ....., before me, the subscriber, a Justice  
 of the Peace of said State, in and for the City aforesaid, personally appeared  
 and made oath on the Holy Evangelij of Almighty God, that there is justly due  
 and owing by .....  
 the Defendant in said case to the Plaintiff on the annexed .....  
 ..... (the cause of action in said cause,)  
 the sum of .....  
 (including interest to ..... ) over and above all discounts,  
 to the best of his knowledge and belief.

A duly attested copy of which said declaration and notice was made and sent  
 with the writ to the Sheriff of Baltimore City aforesaid, thus endorsed, to wit: "To  
 be served on Defendant .."

At which said second Monday of May being  
 the day of the return of the foregoing writ, .....  
 comes into the Baltimore City Court here, the said Plaintiff by his Attorney  
 aforesaid, and the Sheriff of Baltimore City aforesaid, to wit, Philip M.  
 Snowden gentleman, to whom the foregoing writ was in form aforesaid directed,  
 makes return thereof to the Court here, thus endorsed, to wit:  
 Summoned copy left,  
 Philip M. Snowden, Sheriff

**State of Maryland, City of Baltimore, to wit:**

I hereby certify, that on this \_\_\_\_\_ day of \_\_\_\_\_  
 18\_\_\_\_, before me, the subscriber, a Justice  
 of the Peace of said State, in and for the City aforesaid, personally appeared  
 and made oath on the Holy Evangelists of Almighty God, that there is justly due  
 and owing by \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 the Defendant in said case to the Plaintiff on the annexed \_\_\_\_\_  
 \_\_\_\_\_ (the cause of action in said cause,) \_\_\_\_\_  
 the sum of \_\_\_\_\_  
 (including interest to \_\_\_\_\_) over and above all discounts,  
 to the best of his knowledge and belief.

A duly attested copy of which said declaration and notice was made and sent  
 with the writ to the Sheriff of Baltimore City aforesaid, thus endorsed, to wit: "To  
 be served on Defendant \_\_\_\_\_."

At which said second \_\_\_\_\_ Monday of \_\_\_\_\_ being  
 the day of the return of the foregoing writ, \_\_\_\_\_  
 comes into the Baltimore City Court here, the said Plaintiff by his Attorney  
 aforesaid, and the Sheriff of Baltimore City aforesaid, to wit, \_\_\_\_\_  
 Snowden gentleman, to whom the foregoing writ was in form aforesaid directed,  
 makes return thereof to the Court here, thus endorsed, to wit: \_\_\_\_\_

Summoned Copy left,

Philip M. Snowden, Sheriff

And George Reuling the said defendant being called appeared in Court here by Robert D. Morrison Esquire his Attorney,

And thereupon the said defendant by his Attorney aforesaid, defends the wrong and injury &c. and says that he is "Not Guilty" of the supposed trespass above laid to his charge, or any or either of them, in manner and form as the said plaintiff hath above complained against him, and of this he puts himself upon the country &c.

And the plaintiff doth the like.

And afterwards to wit on the 15<sup>th</sup> day of May in the year eighteen hundred and Seventy Nine, the following agreement of Counsel was filed.

William R. R. }  
vs } In the Baltimore  
George Reuling } City Court  
May Term 1879.

It is agreed in the above entitled cause that all errors of pleadings shall

be waived and that either party may prosecute or defend as they could in any state of the pleadings.

J. J. Mason, R

Attorney for Plaintiff

R. D. Morrison

Attorney for Defendant,

Thereupon further process of and upon the premises aforesaid between the parties aforesaid by order of the Court here thereon is continued until the Second Monday in January A. D. 1880.

At which said Second Monday of January in the year last aforesaid come again into Court here the parties aforesaid by their Attorney aforesaid.

And thereupon on the 20<sup>th</sup> day of February in the year last aforesaid the defendant by his Attorney aforesaid filed in Court here the following suggestion & affidavit for removal to wit:

In the Baltimore City Court,

William Ruth 3  
vs 3 January Term 1880  
George Reuling 3 The Defendant in this case  
suggests to the Court here that he believes he can-  
not have a fair and impartial trial in this Court,  
and prays the Court to order and direct the  
removal of the records of proceedings in his  
case to the Court of some adjoining Circuit  
for trial R. D. Morrison

Attorney for defendant  
On this 20<sup>th</sup> day of February A.D. 1880, appears in  
open Court here George Reuling the defendant in the  
above case and makes oath on the Holy Evangel of Almighty  
God, that the matters and things contained in the  
above suggestion are true to the best of his knowledge & belief.

N. C. Robertson

Clerk Baltimore City Court  
Ordered by the Court this 20<sup>th</sup> day of February 1880  
that the record of proceedings in the above case be transmitted  
to the Circuit Court for Howard County for trial

Henry F. Garey

And the same is transmitted accordingly  
Test. N. C. Robertson clerk

William Ruth 3

3 January Term 1880

vs  
George Reuling 3 The Defendant in this case  
suggests to the Court here that he believes he cannot  
have a fair and impartial trial in this Court,  
and prays the Court to order and direct the  
removal of the record of proceedings in his  
case to the Court of some adjoining Circuit  
for trial

R. D. Morrison

Attorney for defendant

On this 20<sup>th</sup> day of February A.D. 1880, appears in  
open Court here George Reuling the defendant in the  
above case and makes oath on the Holy Evangelys of Almighty  
God, that the matters and things contained in the  
above suggestion are true to the best of his knowledge & belief

A. C. Robertson

Clerk Baltimore City Court

Ordered by the Court this 20<sup>th</sup> day of February 1880  
that the record of proceedings in the above case be transmitted  
to the Circuit Court for Howard County for trial

Henry F. Garey

And the same is transmitted accordingly  
Test. A. C. Robertson Clerk



State of Maryland,

City of Baltimore, Set:

I, N. C. Robertson Clerk of the Baltimore City Court,  
Do Hereby Certify, that the foregoing is a full, true and entire  
transcript, taken from the record and proceedings of the said Court in the  
therein entitled cause.

In Testimony Whereof, I hereunto set my hand and  
affix the Seal of the Baltimore City Court  
aforesaid, on this Twenty Third  
day of February eighteen hundred  
and ~~twenty~~ Eighty

N. C. Robertson  
Clerk

Pltff Costs \$ 9.20  
Defts " \$ 6.60 pd by deft  
Record " \$ 6.50 " " "



State of Maryland,

City of Baltimore, Set:

I, N. C. Robertson Clerk of the Baltimore City Court,  
Do Hereby Certify, that the foregoing is a full, true and entire  
transcript, taken from the record and proceedings of the said Court in the  
therein entitled cause.

In Testimony Whereof, I hereunto set my hand and  
affix the Seal of the Baltimore City Court  
aforesaid, on this Twenty third  
day of February eighteen hundred  
and ~~twenty~~ Eighty

N. C. Robertson  
Clerk

Plff Cost. \$ 9.20  
Deft " \$ 6.60 pd by deft  
Record " \$ 6.50 " " "

169/103

146

William Ruthro

— vs —

George Reuling

vs. Plew of Hon. Court. & issues joined.

filed 26 Feb 1880

169/10/3

146

William Ruths

— vs —

George Reuling

Att. Plew of Hon. Court. & view joined.



Filed 26<sup>th</sup> Feb 1880