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✓
V. G. C. T.

IN THE BALTIMORE CITY COURT

(Jury)

THE AFRO-AMERICAN COMPANY
OF BALTIMORE CITY, a body
corporate

vs.

KATHERINE SCHOONMAKER
1730 THOMAS AVENUE

BOX 1898

DECLARATION

MR. CLERK: PLEASE FILE.

Thurgood Marshall

THURGOOD MARSHALL

ATTORNEY AT LAW

604 PHOENIX BUILDING

BALTIMORE, MD.

FILED FILED JAN 22 1936

✓

BOX NO 67

3/3 2/1/15

THE AFRO-AMERICAN COMPANY OF
BALTIMORE CITY, a body corporate

TAKE NOTICE:- That on a day of your appearance to this in the Baltimore
City Court, you will be required to plead to said complaint the time

vs.

IN THE
BALTIMORE CITY COURT

KATHERINE SCHOONMAKER
1730 THOMAS AVENUE

The Afro-American Company, by Warner T. McGuinn and Thurgood
Marshall, its attorneys, sues Katherine Schoonmaker.

For that on or about the twentieth day of December, 1935, and at
the time of the happening of the accident complained of, the Plaintiff's car
was being driven by John H. Murphy, Jr. North on Madison Avenue, and while
crossing Presstman Street where the same intersects Madison Avenue, both of
said streets being public highways of the City of Baltimore, the Plaintiff's
car was struck, overturned and badly damaged by a car owned and operated by
the Defendant in an easternly direction on the said Presstman Street; that
said collision was caused by the recklessness and carelessness of the Defendant
in failing to have her car under proper control, in failing to slow down for
said intersection, although Plaintiff's car had entered said intersection and
was in the act of crossing it when the Defendant's car was some distance away,
and in failing to maintain a proper rate of speed, without any negligence on
the part of the Plaintiff contributing thereto.

That Plaintiff's car was damaged as a result of the negligence and
collision aforesaid, which damage required extensive repairs, and the Plaintiff
lost the use of his car while the same was being repaired.

WHEREFORE, this suit is brought and the Plaintiff claims Five
Hundred (\$500.00) Dollars damages.

Warner T. McGuinn

Thurgood Marshall

Attorneys for Plaintiff

To the Defendant:

TAKE NOTICE:- That on a day of your appearance to this action in the Baltimore City Court, you will be required to plead to said declaration within the time allowed by law, otherwise a judgment by default will be entered against you.

Attorneys for Plaintiff

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1ST PANEL

SEPTEMBER TERM, 1936

Beginning Monday, September 14th, 1936.

Judge J. Frank Supplee, Jr.

BALTIMORE CITY COURT

*The Afro-American
Co. of Balto*

vs.

Katherine Schoonmaker

Jury Sworn.....1936

H. Lester Curtis

Foreman

✓ CHARLES S. ROBSON, Sec'y-Treas.—Office Mngr., 324 Rossiter Ave.

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JACOB FELDMAN, retail store, 2109 Callow Ave. Self, 873 W. Baltimore St.

CARL L. SCHINDHELM, grocery clerk, 3422 Edmondson Ave. G. W. Schindhelm, 617 S. Paca St.

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GEORGE MATTHEWS, clothing cutter, 1128 W. Cross St.

#277²¹/_x

ВАТЛНОВЕ СІЛА СОВЕТ

SEPTEMBER 1936

1936

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DEFENDANT'S ^{1st} PRAYER

The Defendant prays the Court to instruct the jury that if they shall find from the evidence that the Defendant was proceeding in her automobile east on Presstman Street at its intersection with Madison Ave., two of the public highways in Baltimore City, and should further find that the Defendant in her car was actually crossing the street intersection, at a time when the Plaintiff's automobile approaching from the right, was at such a distance from the intersection that its movement could not reasonably be supposed to create any danger that the car of the Defendant and the automobile belonging to the Plaintiff would collide, then the Defendant in her car was not required to wait until the automobile of the Plaintiff had passed; and if the jury further find that the driver of the Plaintiff's automobile operated it at an unlawfully and unexpected rate of speed thereby causing the accident complained of, then the verdict of the jury must be for the Defendant.

Refract

DEFENDANT'S *2nd* PRAYER

The Court instructs the jury that the mere happening of the accident complained of raises no presumption of negligence on the part of the Defendant operating her automobile referred to in the evidence, but the burden is upon the Plaintiff to establish by a fair preponderance of affirmative evidence that the negligence on the part of the Defendant caused said accident, and if the minds of the jury are left by the evidence in a state of even balance as to the existence of such negligence, then the verdict of the jury must be for the Defendant.

Granted

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DEFENDANT'S 3rd PRAYER

The Defendant prays the Court to instruct the jury that if they shall believe from the evidence that the defendant was guilty of negligence, yet if they shall further believe from the evidence that the plaintiff, was also guilty of negligence, and that the accident was directly caused partly by the negligence of the plaintiff's agent or servant and partly by the defendant's negligence, then the verdict of the jury must be for the defendant, without regard to whose negligence was the greater.

Granted

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without regard to whose negligence was the greater.

negligence, then the verdict of the jury must be for the defendant.

of the plaintiff's agent or servant and partly by the defendant's

and that the accident was directly caused partly by the negligence

the negligence that the plaintiff, was also guilty of negligence,

guilty of negligence but it shall further believe from

it they shall believe from the evidence that the defendant was

The Defendant prays the Court so instruct the jury that

apud Curiam

Schoonmaker

granted

PRAYER

W. H. ...

DEFENDANT'S ^{5th} - PRAYER

The Court instructs the jury that unless they shall be satisfied by a preponderance of the evidence that the accident complained of was caused solely by some act of negligence of the Defendant, the Plaintiff is not entitled to recover, and the verdict must be for the Defendant.

Refused

DEFENDANT'S A PRAYER

The Defendant prays the Court to instruct the jury that no evidence has been offered legally sufficient to entitle the Plaintiff to recover, and therefore, their verdict must be for the Defendant.

Refused

PLAINTIFF'S PRAYER

I

The Court instructs the jury that under the uncontradicted evidence in this case the negligence, if any, of John H. Murphy, Jr., the driver of the plaintiff's the Afro-American Company's, car, is not imputed to the plaintiff.

Price v. Miller 167 Md. 578

Refused

PLAINTIFF'S PRAYER

II

The Court instructs the jury that it appears from the uncontradicted evidence in this case that at the time of the accident complained of the plaintiff's automobile was in the possession of John H. Murphy, Jr. and that the said John H. Murphy, Jr. was not using said automobile directly or indirectly in furtherance of the plaintiff's business, therefore, even if the jury shall find that said John H. Murphy, Jr. was guilty of negligence contributing to the happening of the accident, such negligence is not imputed to the plaintiff, and if the jury find that the defendant was guilty of any negligence which caused or contributed to the happening of said accident, then their verdict shall be for the plaintiff.

Price v. Miller 167 Md. 578

Refused

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Prof. Amman

Schoonmaker

Refused

10/2/35

Wm. H. Miller, 107 W. 4th St.

Wm. H. Miller

...the jury find that the defendant was guilty of any negligence
...which caused or contributed to the happening of said accident,
...accident, such negligence is not imputed to the plaintiff, and
...the jury find that the defendant was guilty of any negligence
...even if the jury shall find that said John H. Murphy, Jr.
...negligently in the presence of the plaintiff's negligence, there-
...in H. Murphy, Jr. was not being said and liable directly or
...the plaintiff's negligence, and that the said
...the plaintiff's negligence, and that the said
...the plaintiff's negligence, and that the said

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1ST PANEL

SEPTEMBER TERM, 1936

Beginning Monday, September 14th, 1936.

Judge J. Frank Supplee, Jr.

BALTIMORE CITY COURT

*The Afro-American
Co. of Balto.*

vs.

Katherine Schornwaker

Jury Sworn *Oct 2nd* 1936

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No. *P669* *160*
79 Feb R. D., 193 *70* 6

Baltimore City Court.

Afro-American
Co., of Balto

vs.

H. Shoemaker

1730 Thomas ave

WRIT OF SUMMONS

Cop *7* of Nar and Notice to plead
within to be served on defendant.

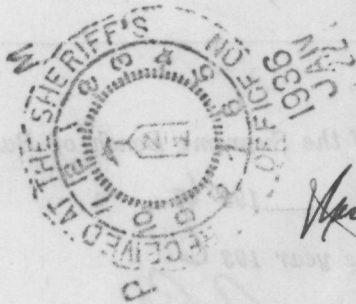
Wm. H. Marshall
Wm. H. Marshall

Attorney for Plaintiff

Filed _____ day of _____ 193

FILED FEB 10 1936

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*Summoned and a copy of Nar and Notice to
Plead left with the defendant*

Friedman

1/22/36

Joseph C. Seegan
Sheriff

Dec 10 95

WRIT OF SUMMONS

STATE OF MARYLAND

BALTIMORE CITY, to wit.

To the Sheriff of Baltimore City, Greeting:

You are commanded to summon:

Katherine Schoonmaker

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 February next, to answer an action at the suit of

The Afro-American Company of Baltimore City, a body corporate.

and have you then and there this writ.

Witness the Honorable SAMUEL K. DENNIS, Chief Judge of the Supreme Bench of Baltimore

City, the 13 day of Jan 1936

Issued the 22 day of Jan in the year 1936

James P. Blake Clerk.