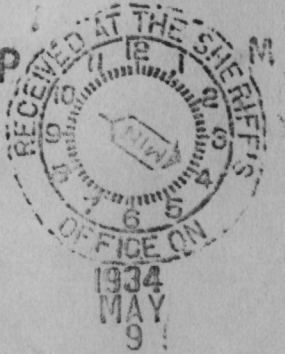


Service admitted
May 11, 1934

G. van belson Wolf, atty

FILED MAY 9 1934



rept

313419130
BOX NO 30

#89 May
IN
THE BALTIMORE
CITY COURT

JAMES TILLER, MINOR
BY MYRTLE TILLER, MOTHER
and next friend.

vs BOX 1804

REBECCA SNOWDEN
1316 W. Lanvale Street

DECLARATION in Title
Election of Jury Trial

Mr. Clerk:
Please file etc.

Thurgood Marshall
Attorney for Plaintiff.

Marbury Gosnell & Williams
Md Trust Bldg
Red. Cal.
Mr Wolf.

THURGOOD MARSHALL
ATTORNEY AT LAW
604 PHOENIX BUILDING

J. EDWARD RICHARDSON & CO., BALTIMORE, MD.

FILED MAY 9 1934

MR. SHERIFF: PLEASE SERVE COPY on Marbury, Gosnell & Williams, attys
for default.

GEO. CAREY LINDSEY,
CLERK BALTO. CITY COURT

Copy of the within Declaration served on G. van belson
Wolf Solicitor on the 11th day of May, 1934 in the
presence of Melvin T. Shuttobla.

Joseph C. Deegan
Sheriff
Yes \$0.75

JAMES TILLER, MINOR
BY MYRTLE TILLER, MOTHER
and next friend

IN

THE BALTIMORE CITY COURT

REBECCA SNOWDEN
1316 W. Lanvale Street

** * **

REBECCA SNOWDEN
1316 W. Lanvale Street

James Tiller, Minor, by Myrtle Tiller, Mother and next friend sues Rebecca Snowden.

For that, on or about the tenth day of April, 1934, the plaintiff while exercising care and caution on his part and while crossing Cumberland Street at Carey Streets, public highways in the City of Baltimore, was run into by an automobile owned and operated by the defendant, Rebecca Snowden and as a result thereof he was knocked down; he sustained severe injuries of the mouth and head and internal injuries, he was caused to suffer great and excruciating pain as well as mental anguish.

That he was caused to be run into by said automobile and sustained the injuries aforesaid by reason of the negligence, recklessness, and want of care of the said defendant in driving at a reckless rate of speed over a public highway without keeping a proper lookout and without giving any signal whatever of the approach of said car and without having the said car under control as it approached, and that the same was not occasioned by any want of care on the part of the plaintiff contributing thereto.

WHEREFORE, this suit is brought and the plaintiff claims Five Hundred Dollars damages.

August Marshall
Attorney for plaintiff

TO THE DEFENDANT, Rebecca Snowden

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.

August Marshall
Attorney for plaintiff

JAMES TILLER, MINOR

JAMES TILLER, MINOR
BY MYRTLE TILLER, MOTHER
and next friend

vs.

REBECCA SNOWDEN
1316 W. Lanvale Street

** ** *

* IN
* THE BALTIMORE
* CITY COURT

James Tiller, by Myrtle Tiller, his mother and
next friend, elects and prays to have the above entitled
case tried before a jury.

Thurgood Marshall

Attorney for Plaintiff.

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No. 89

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Baltimore City Court.

JAMES TILLER, by Murtle Tiller

his mother & next friend

VS.



REBECCA SNOWDEN

1316 W. Lanvale Street

TITLING

Mr. Clerk:

Please file and issue returnable to

Second Monday of _____ 193

Thurgood Marshall

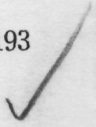
Attorney for Plaintiff

#604 Phoenix Bldg.

4 E. Redwood Street.

Filed _____ day of _____ 193

FILED APR 20 1934



In the Baltimore City Court.

JAMES TILLER, by Myrtle Tiller,

his mother and next friend

vs.

Rebecca Snowden

1316 W. Lanvale Street

January Term, 1934

Damages Claimed

Five Hundred Dollars

MR. GEO. CAREY LINDSAY,

Clerk of the Baltimore City Court:

Please docket this case and issue Writ of Summons for the Defendant, returnable to the

Second Monday of May 1934.

Thurgood Marshall
Attorney for Plaintiff

No. 89 May R. D., 1934

Baltimore City Court.

James Tiller
Et c

4/24/34

vs.

Rebecca Snowden

1316 Lanvale

WRIT OF SUMMONS

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

Thurgood Marshall
Attorney for Plaintiff

Filed _____ day of _____ 193

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*Summond and a copy of Tilling left
Swoboda's
4/24/34*

See \$0.91

Joseph S. D. ...

WRIT OF SUMMONS

STATE OF MARYLAND

BALTIMORE CITY, to wit.

To the Sheriff of Baltimore City, Greeting:

You are commanded to summon

Rebecca Snowden

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 May next, to answer an ^{by titling} action at the suit of James Tiller by Myrtle Tiller, his mother and next friend.

and have you then and there this writ.

Witness the Honorable SAMUEL K. DENNIS, Chief Judge of the Supreme Bench of Baltimore City, the 8 day of Jan 1934.

Issued the 20 day of Apr in the year 1934.

Geo. Carey Lindsay Clerk.

1st PANEL

SEPTEMBER TERM, 1934.

Beginning Monday, September 10th, 1934.

Chief Judge Samuel K. Dennis.

BALTIMORE CITY COURT

*James Tiller, minor, by
Myrtle Tiller, mother &
next friend*

vs.

Rebecca Snowden.

Jury Sworn *14th Sept* 1934

Paul W. Dugent Foreman

GRANVILLE L. HERRLICH, Accountant, 3010 Garrison Blvd.

Crown Cork & Seal Co., 1508 Barclay St.

THOMAS E. LOWE, Patternmaker, 6 W. Fort Ave.

ROBERT H. LAFFERTY, Collector, 35 N. Belnord Ave.

RICHARD DOORY, Salesman, 3803 Bonner Rd.

Ford Motor Sales Co., Maryland & Mt. Royal Aves.

HENRY E. FELDHAUS, Draughtsman, 2627 N. Calvert St.

HOLLY C. DAY, Confectionery Business, 3601 Third St.

EDWARD M. RICE, Clerk, 1329 W. North Ave.

EDWARD O. WEGNER, Industrial Electric Engineer, 5009 Arabia Ave.

J. WILBUR DAVIS, Asst. Repeater Chief, 3505 Gibbons Av. Western Union Tel. Co., 108 E. Baltimore St.

ALPHONSUS HASENKAMP, Salesman, 3618 Greenmount Ave.

EDWARD A. HEIL, Factory Executive, 3517 Denison Rd. McCormick & Company, Light and Barre Sts.

GUSTAVE J. SCHIMINGER, Clerk, 2802 Harlem Ave.

LESTER E. WHEELLEY, SR., Asst. Mgr., Order and Invoicing Dept., 304 Furrow St. Butler Bros., Baltimore and Liberty Sts.

DOUGLAS L. BROWN, Real Estate and Insurance, 2555 Edmondson Ave.

DANIEL I. McALISTER, Accountant, 3 N. Highland Ave.

ROBERT McPHERSON, Stock Clerk, 315 E. 29th St.

A. STIEFF BAUM, JR., Title Examiner, 719 E. 36th St.

PAUL W. DUGENT, Real Estate Salesman, 2128 N. Calvert

HENRY J. BUTT, Farming, 4301 Frankford Ave.

Self—Fullerton

DAVID F. CRAMER, Hardware Business of General Supplies, 1102 Greenmount Ave.

JOHN A. BECK, Electrician, 3924 Dolfield Ave.

Kingsbury Samuel Electric Co., 530 N. Calvert

PAUL J. TRINITE, Printer, 423 W. Franklin St.

Self.

ABRAHAM BUCHOFF, Electrician, 4204 Dalrymple Ave.

J. FRANK COSTELLO, Straw Hat Maker, 2204 Aiken St.

ROBERT H. BECHTEL, SR., Pipefitter, 3525 Old York Rd. Con. Gas Elec. Light & Power Co., 1068 N. Front St.

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BALTIMORE CITY COURT

SEPTEMBER TERM, 1934
Resolving Monday, September 10th, 1934
Chief Justice Samuel N. Dennis

- THOMAS E. LUCE, Plaintiff vs. W. T. ...
- ROBERT H. ... vs. ...
- RICHARD DORRY, Plaintiff vs. ...
- HENRY E. ... vs. ...
- HOLLY ... vs. ...
- EDWARD M. ... vs. ...
- EDWARD O. ... vs. ...
- J. WILBUR DAVIS, Plaintiff vs. ...
- ALPHONBUS HARRISKAMP, Plaintiff vs. ...
- EDWARD A. HILL, Plaintiff vs. ...
- GUSTAVE J. ... vs. ...
- LESTER E. ... vs. ...
- DOUGLAS J. ... vs. ...
- DANIEL I. ... vs. ...
- ROBERT ... vs. ...
- PAUL W. ... vs. ...
- DAVID F. ... vs. ...
- JOHN A. ... vs. ...
- PAUL J. ... vs. ...
- ROBERT ... vs. ...

[Handwritten signature]

10/18

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1st PANEL

SEPTEMBER TERM, 1934.

Beginning Monday, September 10th, 1934.

Chief Judge Samuel K. Dennis.

BALTIMORE CITY COURT

James Liller, Minor
etc.

vs.

Rebecca Snowden

Jury Sworn *14" Sept* 1934

1 Paul W. Dugent Foreman

~~GRANVILLE L. HERRLICH, Accountant, 3010 Garrison Blvd.~~

~~Crown Cork & Seal Co., 1508 Barclay St.~~

~~THOMAS E. LOWE, Patternmaker, 6 W. Fort Ave.~~

~~ROBERT H. LAFFERTY, Collector, 35 N. Belnord Ave.~~

2 ~~RICHARD DOORY, Salesman, 3803 Bonner Rd.
Ford Motor Sales Co., Maryland & Mt. Royal Aves.~~

3 ~~HENRY E. FELDHAUS, Draughtsman, 2627 N. Calvert St.~~

4 ~~HOLLY C. DAY, Confectionery Business, 3601 Third St.~~

5 ~~EDWARD M. RICE, Clerk, 1329 W. North Ave.~~

6 ~~EDWARD O. WEGNER, Industrial Electric Engineer, 5009 Arabia Ave.~~

7 ~~J. WILBUR DAVIS, Asst. Repeater Chief, 3505 Gibbons Av.
Western Union Tel. Co., 108 E. Baltimore St.~~

8 ~~ALPHONSUS HASENKAMP, Salesman, 3618 Greenmount Ave.~~

~~EDWARD A. HEIL, Factory Executive, 3517 Denison Rd.
McCormick & Company, Light and Barre Sts.~~

~~GUSTAVE J. SCHIMINGER, Clerk, 2802 Harlem Ave.~~

~~LESTER E. WHEELEY, SR., Asst. Mgr., Order and Invoicing Dept., 304 Furrow St.
Butler Bros., Baltimore and Liberty Sts.~~

~~DOUGLAS L. BROWN, Real Estate and Insurance, 2555 Edmondson Ave.~~

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~~ROBERT McPHERSON, Stock Clerk, 315 E. 29th St.~~

~~A. STIEFF BAUM, JR., Title Examiner, 719 E. 36th St.~~

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Self-Fullerton~~

10 ~~DAVID F. CRAMER, Hardware Business of General Supplies, 1102 Greenmount Ave.~~

11 ~~JOHN A. BECK, Electrician, 3924 Dolfield Ave.~~

~~Kingsbury Samuel Electric Co., 530 N. Calvert~~

12 ~~PAUL J. TRINITE, Printer, 423 W. Franklin St.
Self.~~

~~ABRAHAM BUCHOFF, Electrician, 4204 Dalrymple Ave.~~

~~J. FRANK COSTELLO, Straw Hat Maker, 2204 Aiken St.~~

~~ROBERT H. BECHTEL, SR., Pipefitter, 3525 Old York Rd.
Con. Gas Elec. Light & Power Co., 1068 N. Front St.~~

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1st Floor
SEPTEMBER TERM, 1934
Beginning Monday, September 10th, 1934
Chief Judge Samuel K. Dennis

BALTIMORE CITY COURT

James J. [unclear]
[unclear]
[unclear]

1st Street
1934

[unclear]

- GRANTING OF MARRIAGE LICENSES
- Divd.
- Crown Cork & Seal Co., 1805 Baltimore St.
- THOMAS E. BOWEN, Patent Attorney, 4 W. York St.
- HONORABLE MARRIAGE LICENSES
- RICHARD DOOHY, Salesman, 3003 Bonner St.
- Lord Motor Sales Co., Maryland & Mt. Royal Ave.
- HENRY E. FELDHAUS, Druggist, 2827 N. Calvert St.
- HENRY C. DAY, Construction Business, 2017 Third St.
- EDWARD M. RICK, Clerk, 1323 W. North Ave.
- EDWARD O. WEDGNER, Industrial Electric Engineer, 5009 Atolia Ave.
- J. WILBUR DAVIS, Asst. Inspector Chief, 2505 Gibson Av.
- Western Union Tel. Co., 188 E. Baltimore St.
- ALPHONBUS HABENKAMP, Salesman, 2515 Greenmount Ave.
- EDWARD A. HEIL, Factory Executive, 2517 Deacon St.
- McConick & Company, Light and Barge St.
- GUSTAVE J. SCHMIDT, Clerk, 2502 Harlan Ave.
- LESTER E. WHELAN, Asst. Mgr., Order and Printing Dept., 404 Fulton St.
- Patent Firm, Baltimore and Liberty St.
- POGGES T. BROWN, Real Estate and Insurance, 243 Edmondson Ave.
- DANIEL I. McALLISTER, Accountant, 2 N. Highland Ave.
- ROBERT McHENNON, Stock Clerk, 415 E. 1st St.
- FRANK W. BROWN, Real Estate Salesman, 212 N. Calvert St.
- HENRY E. [unclear]
- DAVID F. GRAMER, [unclear]
- JOHN A. [unclear]

ARRANGING MARRIAGES
HONORABLE MARRIAGE LICENSES
GOS. Gas and Light & Power Co., 1903 N. Front St.

[Faint, mostly illegible text at the bottom of the page]

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PLAINTIFF'S PRAYER

No. 5

The Court instructs the jury that:

The rule that refuses damages to an individual whose negligence, however slight, has in any manner contributed to produce the injury for which he sues, presupposes that he has reached an age when he has sufficient intelligence to know the existence of danger, and sufficient thought to protect himself from its consequences. This rule, therefore, does not and cannot apply to an infant of seven years or less; the rule of law as to negligence in children is, that they are required to exercise only that degree of care and caution which persons of like age, capacity and experience might be reasonable expected to naturally or ordinarily use in the same situation and under the like circumstances.

Refused

PLAINTIFF'S PRAYER

No. 4

The Court instructs the jury that:

The act relied on to establish the existence of contributory negligence must be distinct, prominent and decisive, and one which ordinary minds would not differ in declaring it to be negligent.

Refused

PLAINTIFF'S PRAYER

The Court instructs the jury that:
No. 6

Even if you find that the plaintiff was negligent he is entitled to recover if you find that the defendant could have avoided the accident by the exercise of ordinary care, after she saw, or by the use of ordinary care might have seen that the infant plaintiff was in the street and in danger of being struck by said automobile.

Refused
No evidence
to support
prayer

DEFENDANT'S A PRAYER

The Court instructs the jury that the plaintiff has produced no legally sufficient evidence in this case to entitle him to recover and therefore the verdict of the jury must be for the defendant.

Refused

DEFENDANT'S 4 PRAYER

The Court instructs the jury that if they shall believe from the evidence, that the accident was directly caused by the concurrent negligence of the plaintiff and the defendant, and that it would have been avoided by due and proper care on the part of either said plaintiff or said defendant, then their verdict must be for the defendant without regard to whose negligence was the greater.

Misleading
Rebuttal

DEFENDANT'S 2 PRAYER

The Court instructs the jury that if they find from the evidence produced in this case that the accident did not occur at the intersection of two public highways but in the middle of the block on a public highway then the defendant driving a motor vehicle had the right of way over the plaintiff in the use of the street.

True but
misleading
as it does
not state
all the law
Refused

DEFENDANT'S EXHIBIT

The Court instructed the jury that it may find from the evidence produced in this case that the accident did not occur at the intersection of the highway and the block on a public highway. The Court further instructed the jury that it may find from the evidence produced in this case that the accident did not occur at the intersection of the highway and the block on a public highway. The Court further instructed the jury that it may find from the evidence produced in this case that the accident did not occur at the intersection of the highway and the block on a public highway.

10/10/58

Miller

Shaw

Refused to sign

Alfred
all the time
not state
was it over
but

PLAINTIFF'S PRAYER

No. 1

The Court instructs the jury that:

If they shall find that the injury to the infant plaintiff resulted from the want of ordinary care and caution on the part of the defendant, the plaintiff is entitled to recover; provided the jury find that the accident causing the injury could not have been avoided by the exercise of such care and caution by the child as ought, under all circumstances, to have been reasonably expected from one of his age and intelligence.

Granted
Sp. Decree

PLAINTIFF'S PRAYER

No. 2

The Court instructs the jury that:

Negligence is the failure to do what a person of ordinary prudence would have done under the circumstances of the situation, or doing what such a person would not have done.

Granted
A. Dennis

PLAINTIFF'S PRAYER
No. 3

The Court instructs the jury that:

Excessive speed alone may constitute negligence if
it directly contributes to the accident.

*Ernest
A. Dennis*

PLAINTIFF' PRAYER

No. 2

The Court instructs the jury that:

If the jury find from the evidence that the infant plaintiff is entitled to recover in this action, they shall award him such damages as will fairly compensate him for the injuries received by him resulting from the accident described in the evidence for the pain, both physical and mental, which he suffered in consequence thereof.

Granted
A. W. Dennis

DEFENDANT'S 3 PRAYER

The Court instructs the jury that if they find from the evidence that the accident complained of was in any degree owing to the negligence on the part of the plaintiff, directly contributing thereto, then their verdict must be for the defendant.

Granted
J. J. [unclear]

DEFENDANT'S 1 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 the automobile referred to in the evidence, but the burden is upon the plaintiff to establish by a fair preponderance of affirmative evidence that negligence on the part of said 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

W. D. Dennis

DEFENDANT'S 5 PRAYER

The Court instructs the jury that if they find that the automobile mentioned in the evidence was being driven east on Cumberland Street in charge of the defendant and was being driven at a reasonable rate of speed and on the right of the middle of said street; and shall further find that the plaintiff was among a group of children standing or playing on the north sidewalk; and shall further find that when the automobile was nearly abreast of said group of children the plaintiff suddenly walked or ran from the sidewalk in the way of said automobile when it could not be arrested in its course, and under circumstances where with ordinary care on the part of the defendant the automobile could not be brought to a stop in time to save the plaintiff from injury, the defendant is not liable and the verdict of the jury must be for the defendant.

Granted
A. W. [Signature]

DEFENDANT'S EXHIBIT

The Court instructed the jury that it may find that the automobile mentioned in the evidence was being driven east on Cumberland Street in charge of the defendant and was being driven at a probable rate of speed and on the right of the middle of said street; and it further finds that the plaintiff was among a group of children standing or playing on the north sidewalk; and shall further find that when the automobile was nearly abreast of said group of children the plaintiff suddenly walked or ran from the sidewalk in the way of said automobile when it could not be expected in its course and under circumstances where with ordinary care on the part of the defendant the automobile could not be brought to a stop in time to save the plaintiff from injury, the defendant is not liable and the verdict of the jury must be for the defendant.

Proctor

Proctor

Allen

6/16/18

Proctor

Allen

FILED MAY 23 1934

602

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IN THE

BALTIMORE CITY COURT

89 May

JAMES TILLER, MINOR
BY MYRTLE TILLER, MOTHER
AND NEXT FRIEND

VS.

REBECCA SNOWDEN

P L E A

MR. CLERK:

PLEASE FILE.

G. Van Belsor Wolf
Attorney for Defendant

MARBURY, GOSNELL & WILLIAMS
ATTORNEYS AT LAW
BALTIMORE

FILED MAY 23 1934

JAMES TILLER, MINOR
By Myrtle Tiller, Mother
and Next Friend

:

IN THE

:

BALTIMORE CITY COURT

VS.

REBECCA SNOWDEN

:

...

Comes now the defendant, Rebecca Snowden, by
G. Van Velsor Wolf, her attorney, and for plea to the dec-
laration filed in the above entitled case says:

THAT she did not commit the wrongs alleged.

G. Van Velsor Wolf

Attorney for Defendant

JAMES TILLER, MINOR
By Myrtle Tiller, Mother
and Next Friend

:

IN THE

:

BALTIMORE CITY COURT

VS.

REBECCA SNOWDEN

:

...

Comes now the defendant, Rebecca Snowden, by
G. Van Velsor Wolf, her attorney, and for plea to the dec-
laration filed in the above entitled case says:

THAT she did not commit the wrongs alleged.

Attorney for Defendant

JAMES TILLER, MINOR
By Myrtle Tiller, Mother
and Next Friend

:

IN THE

:

BALTIMORE CITY COURT

VS.

REBECCA SNOWDEN

:

...

Comes now the defendant, Rebecca Snowden, by
G. Van Velsor Wolf, her attorney, and for plea to the dec-
laration filed in the above entitled case says:

THAT she did not commit the wrongs alleged.

Attorney for Defendant

Order for Appearance

FILED MAY 2 1934

Filed

Wm. H. ... 1934

Attorney

in this case.

MR. CLERK: Enter

1934

appearance for the

No. *829*

May 20th 1934

Baltimore City Court

69-605

68-602

James Tiller, Infant
by Myrtle Tiller, next friend
vs.

Rebecca Snowden

Baltimore City Court.

No. 89

May Return Day 1934

MR. CLERK: Enter our appearance for the

defendant

in this case.

L. Van Velsor Wolf

Marbury, Snell & Williams Attorney.

Filed

May 5

1934

FILED MAY 5 1934

