

CLAIMANT:
AMELIA M. HARRIS, WIDOW OF)
JOHN D. HARRIS, DECEASED.)
CLAIM #88464.)
VS.)
EMPLOYER:)
MAYOR & CITY COUNCIL OF BALTI-)
MORE AND THE PARK BOARD OF)
BALTIMORE CITY.)

BEFORE THE
STATE INDUSTRIAL
ACCIDENT COMMISSION.

Mr. Secretary:

Kindly enter an appeal from the order of
the Commission, dated the 31st day of October, 1925, in the above
entitled case, to the Superior Court of Baltimore City.

Briscoe Jones
Attorneys for Claimant.

CLAIMANT:
AMELIA M. HARRIS, WIDOW OF)
JOHN D. HARRIS, DECEASED.)
CLAIM #88464.)
VS.)
EMPLOYER:)
MAYOR & CITY COUNCIL OF BALTI-)
MORE AND THE PARK BOARD OF)
BALTIMORE CITY.)

BEFORE THE
STATE INDUSTRIAL
ACCIDENT COMMISSION.

The Claimant elects to have this case tried before a
Jury.

Briscoe Jones
Attorneys for Claimant.

Service of copy admitted this *7th* day of November,
1925.

W. H. ...
STATE INDUSTRIAL ACCIDENT COMMISSION.

1051 / Before The
1925 State Industrial
Accident Commission.

Claimant: *Julia M. Harris,*
Widow of *John D. Harris,* deceased.
Claim # 88464.

Employer: *Mayor + City Council*
of Baltimore + The Park
Board of Baltimore City.

ORDER OF APPEAL.

BOX No. 2437

Mr Secretary:
please file, etc.

Briscoe & Jones
Attorneys for Claimant.

Service of copy admitted this
31 day of October, 1925.

Philip B. Perlman
city solicitor

BRISCOE, JONES & MARTIN
FIDELITY BUILDING
BALTIMORE, MD.

FD 2 Nov 1925

Verdict for Total

1st 3 Weeks—January Term, 1926
(Beginning Monday, January 11, 1926)

Docket.....

Page.....

Page..... No. Trial Calendar

Superior Court of Baltimore City

*Amelia M. Harris, widow of
John W. Harris, deceased*

vs.

*Mayor & C. of Balto. and the
Park Board of Balto. City*

Jury Sworn *18th Jan.*, 1926

Walter B. Gummy Foreman

~~WM. N. DAVIS..... 3215 Baker St.
Salesman, The Torsch-Summers Co.~~

~~FRANK HOFFMAN..... 2630 Kate Ave.
Unemployed~~

~~ELMER F. MICHEL..... 2409 Lake Ave.
Salesman, J. R. M. Adams Co.~~

~~CHRISTIAN J. STARKE..... 107 N. Stricker St.
Night Watchman, Crane & Co.~~

~~HOWARD L. WORTHAM..... 1423 Saratoga St.
Salesman, Rouse Hempstone & Co.~~

WALTER B. GEMENY..... 1909 Park Ave.
Propr. Balto. Cash Register Co.

~~AUGUST W. REIS..... 206 N. Kenwood Ave.
Salesman~~

~~JOS. D. STACK..... 1417 Bolton St.
Hudson Cement & Supply Co.~~

2 ~~CHAS. H. McMAHON..... 1537 N. Milton Ave.
Mgr. Md. Land & Investment Co.~~

3 ~~EMANUEL M. CROCKER..... 600 Wilson Ave., R. P.
Propr. Atlantic Supply Co.~~

~~WM. E. NICKERSON..... 650 N. Fulton Ave.
Mgr. Md. Ice Cream Co.~~

4 ~~ELI J. HACKERMAN..... 2464 Lakeview Ave.
Haberdasher~~

~~WM. H. LOUGHLIN..... 4003 Garrison Ave.
Inspector, Lumber Exchange of Balto.~~

5 ~~EDDY C. PRICE..... 1520 E. Biddle St.
Unemployed (Salesman)~~

~~HARRY D. CROWLEY..... 2137 Penrose Ave.
Salesman, City Baking Co.~~

6 ~~JOHN H. GEISENDAFFER..... 1630 E. Eager St.
Asst. Shipping Clerk, I. Benes & Sons~~

7 ~~JOHN MUELLER..... 1706 N. Washington St.
Checker, Schluderberg-Kurdle Co.~~

8 ~~JOHN E. JONES..... 1812 Barclay St.
Window Trimmer, Con. Gas & Elec. Co.~~

9 ~~CHARLES GROSS..... Harford & Sylvan Aves.
Coal~~

10 ~~JOHN T. HAGER..... 1624 Edmondson Ave.
Builder~~

11 ~~JOS. C. KNIGHT..... 407 N. Broadway
Commission Merchant~~

~~OSCAR HAMBURGER..... 246 N. Payson St.
Sales Mngr.~~

12 ~~JOHN TAYLOR..... 68 Wilhelm Ave.
Ice~~

~~BENJ. HENDELBERG..... 2819 Hilldale Ave.
Salesman~~

~~JAMES H. FORBES..... 21 E. 22nd St.
Landscape Gardener~~

*Louis A. Herstein, Electrical Cont.
3807 Park Hts. Ave.*

CITY'S PRAYER NO. 1

The Court instructs the jury that the claimant has offered no evidence in this case legally sufficient to entitle her to recover as against the defendants, and the verdict of the jury must, therefore, be for the defendants.

Granted

CITY'S PRAYER NO. 2

The Court rules as a matter of law that John E. Harris was not a workman employed for wages within the meaning of Section 35 of Article 101 of the Code of Public General Laws of Maryland at the time of the injury which caused his death, described in the evidence and in the papers in this case, and that the decision of the State Industrial Accident Commission was a correct construction of the law, and must therefore be affirmed.

Granted

CITY'S PRAYER NO. 3

The Court rules as a matter of law that the Mayor and City Council of Baltimore and the Park Board in maintaining Druid Hill Park at the time the injury occurred which resulted in the death of John E. Harris, described in the evidence and the papers, were not engaged in extra-hazardous work within the meaning of Section 35 of Article 101 of the Code of Public General Laws of Maryland, and that the decision of the State Industrial Accident Commission was ^{not} a correct construction of the law, and must therefore be ^{reversed} ~~affirmed~~.

Approved: M. Harris

11

Mayor Lewis

John P. ...

...

Granted

Amelia M. Harris

14

10.

Mayor & Council
Park Board

— " —

Granted prayers

Accepted

of the law, and must therefore be affirmed.

1051
1925

IN THE
SUPERIOR COURT
OF
BALTIMORE CITY

AMELIA M. HARRIS,
VS.

THE MAYOR AND CITY COUNCIL
OF BALTIMORE
AND
THE PARK BOARD OF
BALTIMORE CITY.

ORDER OF APPEAL.

Mr. Clerk: Please file, etc.

Briscoe & Jones
Attorneys for Plaintiff.

BRISCOE, JONES & MARTIN
FIDELITY BUILDING
BALTIMORE. MD.

Filed 13th July 1926

1051
1925

COURT OF APPEALS OF MARYLAND

APRIL Term 192 6.

Amelia M. Harris

vs.

The Mayor and City Council of
Baltimore and ThenPark Board of
Baltimore City.

Appeal from the Superior Court of Baltimore
City. Filed February 15th, 1926.

1926 April 28th. Petition of Appellant,
Agreement of Attorneys and order of Court
filed.

1926 May 4th. Agreement of Attorneys as to
record filed.

1926 June 10th. Judgment affirmed, with
costs.

Opinion filed. Op. Offutt, J.
To be reported.

Appellant's Cost in the Court of Appeals of Maryland,

Record	\$ 28.00	
Brief	21.00	
Appearance Fee	10.00	
Clerk	<u>1.35</u>	\$ 68.35

Appellee's Cost in the Court of Appeals of Maryland,

Brief	\$ 34.00	
Appearance Fee	10.00	
Clerk	<u>1.50</u>	\$ 35.50

STATE OF MARYLAND, Sct:

I, James A. Young, Clerk of the Court of Appeals of Maryland, do hereby certify that the foregoing is truly taken from the record and proceedings of the said Court of Appeals.

In testimony whereof, I have hereunto set my hand as Clerk and affixed the seal of the

Court of Appeals, this ninth -----

day of July ----- A. D., 1926.

James A. Young, Clerk
of the Court of Appeals of Maryland.



No.15

MANDATE.

7th 9th July 1926

TRANSCRIPT OF TESTIMONY
from the
STATE INDUSTRIAL ACCIDENT COMMISSION
in the case of

JOHN E. HARRIS (DECEASED)	EMPLOYEE
MRS. AMELIA M. HARRIS (WIDOW)	CLAIMANT
MAYOR AND CITY COUNCIL OF BALTIMORE CITY	EMPLOYER
SELF	INSURER

APPEAL OF
AMELIA M. HARRIS
to
SUPERIOR COURT OF BALTIMORE CITY

STATE INDUSTRIAL ACCIDENT COMMISSION

PRINCIPAL OFFICE

741 EQUITABLE BUILDING, BALTIMORE, MD.

BUREAU OF CLAIMS

FORM OF CLAIM FOR COM-
PENSATION IN DEATH
CASE BY WIDOW.

CLAIM No. _____

CASE OF _____
Filed July 20, 1925.

TO THE STATE INDUSTRIAL ACCIDENT COMMISSION,
741 EQUITABLE BUILDING,
BALTIMORE, MD.

Amelia M. Harris _____ hereby makes claim

for compensation under Chapter 800, Acts of 1914. My claim arises out of the death of _____
John E. Harris

who died on _____ 3rd _____ day of July _____ 1925, as a result of injury
sustained on _____ 29th _____ day of June _____ 1925, in the employ
of Mayor & City Council of Baltimore City
and Park Board of Baltimore City.
(Name of Employer)

of Balto., Md. _____ The average weekly wage of the deceased was \$23.10
(Address)

I was wife _____ of the deceased John E. Harris _____
(Relationship) (Name of deceased)

and I was dependent upon the deceased for support at the time of his death.

I have the following children: none

NAMES

DATE OF BIRTH

NAMES	DATE OF BIRTH
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

~~who were also dependent upon said deceased for support.~~

I was married to the deceased on _____ 25 _____ day of June _____ 1924,
at Baltimore _____ I reside at present at No. 1412 E. Lafayette Ave.
(Place where married)

in the City and Town of Baltimore _____ County of _____
State of Maryland.

Amelia M. Harris _____
(Signature of Claimant)

Dated this 10 _____ day of
July _____, 1925.

AFFIDAVIT

STATE OF MARYLAND, County of _____, ss:

On this 10 _____ day of July _____, A. D., 1925
personally appeared before me the above named Amelia M. Harris
and made oath in due form of law that the answers by her _____ above named and
subscribed are true.

Witness my hand and notarial seal.

Kathryn M. Yentner _____
(Notary Public)

Address 1735 Wilkens Ave. _____

(SEAL.)

STATE INDUSTRIAL ACCIDENT COMMISSION

PRINCIPAL OFFICE : 741 EQUITABLE BUILDING

BALTIMORE, MARYLAND

BUREAU OF CLAIMS.

Claim No. _____
Case of _____

PROOF OF DEATH

To be filled out by Physician Last in
Attendance On Deceased.

Filed July 20, 1925.

Name of the deceased in full John Edward Harris

How long have you known the deceased? Since June 29, 1925.

How long have you been medical adviser of deceased? Since June 29, 1925.

Age at death 73 years. Married or single? Married

Name and age of wife Amelia M. Harris 56 yrs.

Names and ages of children under 16 None

Place of death (give street number, city or town and State): No. Raynor and Dukeland Ave Street,

City or Town of Baltimore State of Maryland

Occupation at the time of death Park Policeman

Date of your first visit or prescription June 29, 1925 Date of your last visit July 3, 1925.

1925 Date of death July 3, 1925 State the remote cause of death Fracture of 3 - 10 ribs of left chest posteriorly with perforation of pleura

State explicitly the immediate cause of death Bronchopneumonia with cardiac failure.

Did you see the body of the deceased and did you identify it as that of the workman injured at yes

while in the employ of Baltimore Park

(Name of Employer)

Police of _____

(Address of Employer)

If coroner's inquest held, give coroner's name and address no

Was the deceased attended by any other physician during last illness? If so, state his name and address _____

James Herbert Wilkerson, M. D., West Baltimore General Hospital, Balto., Md.

Have you any interest in this claim? no If so, what? _____

Have you stated all the material facts connected in any way with this death? yes

So far as you know, is there any reason to suspect that this case is not a perfectly fair one, and above all suspicion of concealment of necessary facts and information? no

Dated July 18, 1925

Benjamin Miller, M. D.

Attending Physician

Address West Balto. General Hospital
Raynor & Dukeland Aves., Balto., Md.

Degree M. D.

Year 1924 College University of Maryland.

AFFIDAVIT

STATE OF MARYLAND Baltimore City XXXXX County, ss.:

On this 20th day of July A. D., 1925, personally appeared before me, the above named Dr. Benj. Miller physician in regular standing, and made oath that the answers by him above named and subscribed are true.

Witness my hand and notarial seal,

Gertrude Kramer

Notary Public

Address 1734 W. North Ave.

My Commission expires May 2/1927.

STATE INDUSTRIAL ACCIDENT COMMISSION

741 EQUITABLE BUILDING
BALTIMORE, MARYLAND

BUREAU OF CLAIMS.

Claim No.
Case of.....

PROOF OF DEATH— BY UNDERTAKER

Filed July 20, 1925.

STATE OF MARYLAND
City of Baltimore
County of Baltimore ss:

George J. Ruth

being duly sworn, says, that he is a

duly licensed undertaker of Baltimore Street 1735 Harford Ave.
(City or Town) at Number

that as such he was required on the 3rd day of July, 1925

to prepare the dead body of John E. Harris

for burial; that he placed a coffin, containing the said body, in a grave
in Holy Redeemer cemetery, that he shipped said body via --

to -- at Baltimore, Md.
(Relative, friend, etc.)

that he was directed to conduct such burial by Mrs. John E. Harris

who authorized the following:

<u>Blk. Cloth Casket</u>	\$
<u>and carpet case</u>	
<u>Embalming</u>	
<u>4 Lim. and M. Hearse</u>	
<u>Opening Grave</u>	
	<u>\$125.00</u>
Total.....	\$

That he was informed said bill would be paid by Mrs. John E. Harris;

that no part of said bill of expenses so authorized for said burial has been paid, ~~except~~

\$..... by..... \$..... by.....
\$..... by.....

(Signed) George J. Ruth
Undertaker.

Subscribed and sworn to before me, this 18th day of July A. D. 1925
Leo C. Scheafer.
Notary Public.

CERTIFICATE OF PERSON AUTHORIZING BURIAL.

I George J. Ruth hereby certify that I have read the foregoing affidavit of George J. Ruth
undertaker.....; that I authorized the items of expense therein amounting to \$ 125, as the burial
exp. of deceased workman.

(Signed) Amelia M. Harris.

(NOTE:—The entire amount allowed for burial under the Workmen's Compensation Act cannot exceed \$125.00.)

STATE INDUSTRIAL ACCIDENT COMMISSION
BALTIMORE, MARYLAND

CERTIFICATION OF INSURANCE

FATAL

CLAIM No. 88464.....

CLAIMANT John E. Harris, Dec'd. Amelia M. Harris, Claimant & Widow

EMPLOYER Mayor & City Council of Balto. City (Park Board)

CLAIMS BUREAU:

According to the insurance records of the State Industrial Accident Commission, the above named employer was on the 29th----- day of June -----, 192 5, insured in compliance with the provisions of the Workmen's Compensation Laws as follows:

Self Insurance

Insurance Department, S. I. A. C.

By..... S. B. F.

E. McE.

STATE INDUSTRIAL ACCIDENT COMMISSION

PRINCIPAL OFFICE

741 EQUITABLE BUILDING, BALTIMORE, MD.

BUREAU OF CLAIMS

Claim No. 88464
 Deceased Employee John E. Harris,
 Claimant Amelia M. Harris (Claimant & Widow)

NOTICE TO EMPLOYER AND INSURANCE CARRIER OF DEPENDENT'S CLAIM

FATAL CASE

Mayor & City Council of Baltimore (Employer)
Park Board, Court House, City.
Self (Insurer)

Date July 21st, 1925

This is to notify you that the State Industrial Accident Commission has received at its Baltimore office, 741 Equitable Building, Baltimore, the above entitled claim for compensation for death due to an accident upon the 29th day of June 1925, arising out of and in the course of employment by the above named employer of deceased, who died on the 3rd day of July, 1925.

COPY OF DEPENDENT'S CLAIM:

I was Wife of the deceased John E. Harris and was dependent upon the deceased for support at the time of his death. contributed about \$ weekly to my support. I was at time of death of deceased receiving support also from of \$ weekly, and am still receiving the same amount. I am not possessed of any other means of support except as follows

I have no money deposited in any bank or trust company except as follows

I do not own any real estate, stocks, bonds nor mortgages except as follows

Average weekly wage of deceased was \$ 23.00 REMARKS:

I have the following named children:

NAME	DATE OF BIRTH

who were also dependent upon deceased for support.

I was married to deceased on the 25th day of June 1924 at Baltimore, Md.
 I reside at No. 1412 E. Lafayette Ave., City of Baltimore
 State of Maryland

This is sent to advise you this claim will come up for consideration at the session of the Commission at its Baltimore office on 29th day of July, 1925. If no request for a hearing has been received or adjournment granted by the Commission, award will be made on that day upon the evidence then in the hands of the Commission.

Each request for hearing shall state with particularity the issues of fact and law proposed to be raised at the hearing.

STATE INDUSTRIAL ACCIDENT COMMISSION.

D WE HAVE NO EMPLOYER'S REPORT

Filed August 10, 1925.

File No. 44791

August 8th, 1925.

State Industrial Accident Commission,
741 Equitable Building,
Baltimore, Maryland.

IN RE: Claim No. 88464 - John E. Harris, deceased.
Park Board - State Industrial Accident Comm.

Attention: Miss R. O. Harrison.

Dear Miss Harrison:

Confirming my conversation with you this morning, the Mayor and City Council of Baltimore respectfully asks a hearing in the above entitled case to determine the following issues.

1. Whether or not the above claimant sustained an accidental injury, arising out of and in the course of his employment by the Mayor and City Council of Baltimore.
2. Whether or not the Mayor and City Council of Baltimore was engaged in any extra-hazardous work in maintaining its public parks.
3. Whether or not the deceased was a workman employed for wages, within the meaning of Article 101 of the Annotated Code of Maryland.

Awaiting your further advices, I am

Very truly yours,

(Signed) Paul F. Due,
Assistant City Solicitor.

PFD:C

STATE INDUSTRIAL ACCIDENT COMMISSION

PRINCIPAL OFFICE

741 EQUITABLE BUILDING, BALTIMORE, MD.

BUREAU OF CLAIMS

CLAIM No. 88464

NOTICE OF HEARING

(TO ALL PARTIES)

CASE OF John E. Harris, (Dec'd.)

Filed and copies mailed September 3, 1925.

Mrs. Amelia M. Harris, (Widow) (Claimant)

Briscoe & Jones, Esqs.,
1504 Fidelity Bldg., Balto.,
Md.

1412 E. Lafayette Ave., Balto., Md.

Baltimore, Maryland

Mayor & City Council of Balto., (Employer)

Paul F. Due, Esq.,
Court House, Baltimore, Md.

Sept. 3, 1925

Self (Insurer)

Relative to John E. Harris, injured June 29th, 1925
died July 3, 1925

while in the employ of Mayor & City Council of Baltimore, Md. a hearing

in this case has been requested by some of the parties interested, on the following grounds: (1) Whether or not claimant sustained an accidental injury arising out of and in course of employment. (2) Whether or not Mayor & City Council of Balto. was engaged in an extra-hazardous work in maintaining its public parks. (3) Whether or not the deceased was a workman employed for wages, within the meaning of Article 101 of the Annotated Code of Maryland.

This hearing will be conducted by The Commission, under authority of the Commission on Friday, Sept. 11th, 1925, at 10 A.M. at 746 Equitable Bldg., Baltimore, Md.

Please accept this notice to be present or represented if you so desire, and notify the Commission if you have any witness whom you desire to have summoned; also sign, detach and mail to this Commission the attached form of acknowledgment.

STATE INDUSTRIAL ACCIDENT COMMISSION

A. E. Brown,

Secretary.

STATE INDUSTRIAL ACCIDENT COMMISSION

74k Equitable Building

Baltimore, Maryland

CLAIM NO. 88464

JOHN E. HARRIS (DECEASED)	EMPLOYEE
AMELIA M. HARRIS (WIDOW)	CLAIMANT
MAYOR AND CITY COUNCIL OF BALTIMORE	EMPLOYER
SELF	INSURER

HEARING HELD FRIDAY SEPTEMBER 11, 1925

For the Claimant ----- Messrs. Briscoe & Jones
For the Employer ----- William O. Lovitt, Esq.
Paul F. Due, Esq.

MRS. AMELIA M. HARRIS,

the Claimant, having been first duly sworn according to
law, testified as follows:

Direct examination by Mr. Briscoe:

Q Mrs. Harris, you are the widow of the late John E. Harris?

A Yes.

Q Who was employed by the Park Board?

A Yes.

Q And was killed by an automobile?

A Yes.

Q You remember the date of that accident?

A 29th of June he was hurt, he died on Saturday.

Q How old was your husband?

A Seventy-three.

Q At the time he was hurt do you know where he was?

A I think he was around the Mansion House.

Q Mansion House in Druid Hill Park, you saw him when he left home that morning?

A Yes.

Q Do you know whether he was going to work?

A Yes, he was going to work that morning.

Q How was he dressed when he left home?

A He had on uniform pants and he wore a blue serge coat and straw hat when he went to work.

Q Then you heard he had an accident?

A Yes.

Q And you saw him that night, I suppose?

A Yes.

Q Three or four days later he died?

A Yes.

Q You have no children?

A No sir.

Q Were you or not dependent upon him for your support?

A I was dependent upon him for support.

Q (By Mr. Due) Were you entirely dependent upon him for

your support?

A Yes.

No cross examination:

HARRY SIGEL,

having been first duly sworn according to law, testified
as follows:

Direct examination by Mr. Briscoe:

Q Mr. Sigel, where do you reside, where do you live?

A 2366 McCulloh Street.

Q What is your business?

A Merchant.

Q What is your business address?

A The same address.

Q You run a store there?

A Yes.

Q You were driving your own machine at the time Mr. Harris was struck, is that right?

A Yes.

Q In Druid Hill Park near the Mansion House?

A Yes.

Q What was the name of your friend that testified before the inquest, that was walking up the road?

A Shapiro.

Q Did you see Mr. Shapiro walking up the road that day just before the accident?

A I did not see him.

Q You know he arrived after the accident happened -- Mr. Sigel, you were driving your machine that day when you ran into Mr. Harris and later on Mr. Harris died?

A Yes, he died.

Q You were driving your car and ran into him ----

(Objected to by the Commission)

You knew the late John E. Harris?

A Before, no sir.

Q You knew him after the accident or at the time of the accident?

A Yes.

Q How did you come to know him?

A There was an accident and I took him to the hospital.

Q (By Chairman Carr) Where was the accident?

A In Druid Hill Park.

Q Was he in uniform, as one of the park employes?

A Yes sir, he was in uniform.

Q What happened to him?

A When I turned out ---

Q Did your automobile strike him?

A Yes sir, he fell^{down}, he was walking with a cane and fell down and I stopped the car and hit him in the middle of the back.

Q He was walking with a cane?

A Yes, and he fell down right on the roadside and I stopped my car and I hit him right in the middle of the back.

Q Was he picked up?

A Yes sir, I took him right away to the hospital, in five minutes.

Q (By Mr. Briscoe) You say he had his uniform on?

A Yes sir.

Q He was walking in the park?

A Walking right across the road.

Q You know what his duties were in the park?

A I don't, no.

Q You remember the color of the uniform?

A I can't remember.

Q Was it gray?

A Yes, gray jacket on.

Q What was he doing when you first saw him?

A Walking.

Q Where was he walking?

A Across to the right side, I was on the right side and he crossed on the right side.

Q Waling on the grass or on the road?

A Walking in the road.

Q Walking in the road when you first saw him?

A Yes.

Q It was shortly after you first saw him that your machine ran into him?

(No reply)

Cross examination by Mr. Due:

Q Was this man dressed as a park policeman at the time?

A He was dressed in a uniform.

Q You know the park policemen?

A Yes.

Q Was he dressed as a park policeman?

A Yes.

Q Did he say anything to you after he was struck?

A Yes, he said, take me to the nearest hospital.

Q Was that all he said?

A That was all he said and he asked me for the cane and

glasses, and I said, I have got everything, here is the cane and here are the glasses.

Q He said nothing else?

A No.

ELI APPLESTEIN,

having been first duly sworn according to law, testified as follows:

Direct examination by Mr. Briscoe:

Q What is your full name?

A Eli Applestein.

Q Where do you reside?

A 6 North Bond Street.

Q What is your business address?

A 6 North Bond Street.

Q What is your business?

A Salesman.

Q For whom?

A Work for myself.

Q What sort of business?

A Installment business.

Q What sort of installment business?

A Anything in general merchandise.

Q Did you know John E. Harris?

A No sir, I did not know him.

Q Did you ever see him?

A No sir.

Q Were you with Mr. Sigel at the time of the accident?

A Yes, alongside of him.

Q Sitting on the front seat?

A Yes sir.

Q Mr. Sigel's machine?

A Yes sir.

Q You did see Mr. Harris then?

A Yes, I seen him after it occurred.

Q You saw him after the accident?

A Yes.

Q You did not see him before?

A I seen him before, he was standing on the lawn and when we got close to him he walked over and started across the road in front of the machine. He was standing still when we were coming around.

Q He was standing where?

A On the lawn.

Q What was he doing?

A Standing still at that time. .

Q What did he do after that?

A We got close to him he happened to walk over the road and kind of slipped, it seemed to me and he fell and the machine hit him.

Q (By Chairman Carr) This accident in which John E. Harris was injured was near the Mansion House?

- A On the west side of the Mansion House.
- Q Which way was the automobile going?
- A West on the curve.
- Q Which side of the road was it that Mr. Harris crossed from?
- A The right hand side.
- Q He was on the lawn, right where the little fountain is?
- A Yes, right where the fountain is.
- Q Was he walking along the road or across the road?
- A He started to walk across the road and then started to walk back, he was bewildered.
- Q (By Mr. Briscoe) How many feet away would you say the scene of the accident was, how far in front?
- A I could not say.
- Q Was it near the front of the Mansion House?
- A I could not say how many feet it was.
- Q How far, would you say, is the fountain from the Mansion House.
- A I don't know, I know it is a good distance, I can't guess at that.
- Q Hundred yards, a mile or half a mile?
- A I could not say.
- Q You haven't any idea whether it is a mile or half a mile?
- A No sir, I could not say.

Cross examination by Mr. Due:

Q Was this a park police you struck?

A Yes sir, he was in uniform at the time.

Q Did he say anything to you?

A He wanted me to take him home and I said, I can't do it, and he insisted upon going to the West Baltimore General Hospital and I took him out that way.

Q Is that all he said to you.

A That is all he said that I remember.

Q Is that all he said to you?

A That is all I remember at the present time.

Q That is all you can remember?

A Yes.

RUTH SIGEL,

having been first duly sworn according to law, testified as follows:

Direct examination by Mr. Briscoe:

Q Miss Sigel, you are the daughter of Mr. Sigel?

A Yes.

Q Who was just on the witness stand?

A Yes.

Q You were with your father at the time Mr. Harris was killed.

A Yes, I was sitting on the back seat.

Q What was Mr. Harris doing the first time you saw him?

A He was walking across the road, towards the road, from the left to the right, from where the fountain is to the other side of the road.

Q (By Chairman Carr) Is that from the left to the right?

A Going down it would be from the left to the right.

Q Were you going down the road?

A Yes, we were going down.

Q You say that would be from the left to the right?

He was on the right side of the road as you approach him, wasn't he?

(By Mr. Briscoe) Which side of the road was he on when you first saw him?

A He was on the right side, I am referring to the little road, there are two roads, the machine turns around, I am referring to the little road, which would be from the left to the right but he was in the right side of the road as we were going down.

Q Mr. Sigel, the way you were facing, was he on your right or your left?

A He was going toward the right.

Q Was he on the left or on the right?

A He was more towards the right.

Q He was on the grass then?

A No, he was not on the grass, he was in the road.

Q Where was he the next time you saw him?

A After that the machine hit him, not as soon as I saw

him, we tried to get out of the way by turning more to the right but we couldn't.

Q How was he dressed?

A In a uniform.

Cross examination by Mr. Due:

Q Do you know if this policeman said anything after you struck him?

A No, I just helped to take him up, I didn't go back with him.

JAMES V. KELLY,

having been first duly sworn according to law, testified as follows:

Direct examination by Mr. Due:

Q Mr. Kelly, you are an employe of the Park Board?

A Yes.

Q What position?

A Secretary.

Q How long have you been with the Park Board?

A Little over twenty-five years.

Q How long have you been Secretary?

A Twenty-five years.

Q Mr. Kelly will you tell us, do you know officer Harris?

A I did know him.

Q Was he a member of the Park Board?

A He was.

Q How was he equipped while on duty?

A He was equipped with a uniform and a kind of espantoon.

Q Was his uniform the same as an everyday policeman?

A The same except the color of the uniform was gray instead of blue.

Q What were his duties?

A The same as the city policemen within the park jurisdiction.

Q Mr. Kelly, do you know how the city police are equipped?

A I do not.

Q Mr. Kelly, how many hours of the day were these park police on duty?

A The hours are twelve hours a day, seven days a week.

Q Are they assigned to night duty or day duty or either?

A They are employed for either night or day duty and are interchangeable, shift the same man on night or day duty the same week or month, it depends on circumstances.

Q Do they make arrests for violation of law in the parks?

A They do.

Q Do you know the authority of the park board for employing policemen?

A I know there are laws, I cannot quote them but there is a clause that gives the park board the right to employ

all necessary men to operate the parks and I believe there is another clause that specifically gives them authority to appoint night officers.

Cross examination by Mr. Briscoe:

Q Mr. Harris was not employed by the city, he was employed directly by the Park Board?

A Yes, Board of Park Commissioners.

Q His position was distinct from city policemen on the street?

A I would not say they were separate and distinct.

Q I mean, they were an entirely separate force?

A He was under different authority.

Q He was employed exclusively by the Park Board?

A So far as I know.

Q The Park Board is authorized to employ, by statute, I think, all men necessary to look after the parks, that is correct?

A That is correct.

Q And that includes carpenters, workmen, stable men, all types of workmen in the park?

A Yes, it does.

NOTE: It is admitted by counsel for the Employer that the deceased was on duty at the time of the accident.

STATE INDUSTRIAL ACCIDENT COMMISSION

PRINCIPAL OFFICE

741 EQUITABLE BUILDING, BALTIMORE, MD.

	BUREAU OF CLAIMS	COMPENSATION
Claim No.	88464	DISALLOWED
Employee	John E. Harris, Deceased	
Claimant	Amelia M. Harris, Widow	
Employer	Mayor & City Council of Baltimore (Park Board)	
Insurer	Self	

A hearing was held at the office of the Commission on September 11th, 1925, at the request of the employer, to determine the following issues: (1) Whether or not the above claimant sustained an accidental injury arising out of and in the course of his employment by the Mayor & City Council of Baltimore. (2) Whether or not the Mayor & City Council of Baltimore was engaged in any extra-hazardous work in maintaining its public parks. (3) Whether or not the deceased was a workman employed for wages, within the meaning of Article 101 of the Annotated Code of Maryland. At said hearing all parties were present and heard and after due consideration of the testimony taken the Commission finds, on the first issue, that the claimant did sustain an accidental injury arising out of and in the course of his employment by the Mayor & City Council of Baltimore; on the second issue, that the Mayor & City Council of Baltimore was engaged in an extra-hazardous work in maintaining its public parks, and on the third issue finds for the employer.

It is, therefore, this 31st day of October, 1925, by the State Industrial Accident Commission, Ordered that the claim of Amelia M. Harris, widow of John E. Harris, deceased, filed in this case against the Mayor & City Council of Baltimore, employer, be and the same is hereby disallowed.

(Signed) Robert H. Carr
Geo. Louis Eppler.

K/

CLAIMANT:
AMELIA M. HARRIS, WIDOW OF
JOHN D. HARRIS, DECEASED. :
CLAIM #88464
VS.
EMPLOYER:
MAYOR & CITY COUNCIL OF BALTI-
MORE AND THE PARK BOARD OF :
BALTIMORE CITY.

BEFORE THE
STATE INDUSTRIAL
ACCIDENT COMMISSION

Mr. Secretary:

Kindly enter an appeal from the order of
the Commission, dated the 31st day of October, 1925, in the above
entitled case, to the Superior Court of Baltimore City.

(Signed) Briscoe & Jones
Attorneys for Claimant.

CLAIMANT:
AMELIA M. HARRIS, WIDOW OF
JOHN D. HARRIS, DECEASED. :
CLAIM #88464.
VS.
EMPLOYER:
MAYOR AND CITY COUNCIL OF BALTI-
MORE AND THE PARK BOARD OF :
BALTIMORE CITY.

BEFORE THE
STATE INDUSTRIAL
ACCIDENT COMMISSION

The Claimant elects to have this case tried before a
Jury.

(Signed) Briscoe and Jones
Attorneys for Claimant.

Service of copy admitted this 2nd day of November,
1925.

(Signed) Geo. Louis Eppler
Member State Industrial Accident
Commission.

November 4, 1925.

Claim No. 88464

Case of John E. Harris, dec'd.

Mrs. Amelia M. Harris, widow.

Mrs. Amelia M. Harris, 1412 E. Lafayette Avenue, City.

Messrs. Briscoe & Jones, 1504 Fidelity Building, City.

Mayor & City Council of Baltimore, Paul F. Due, Esq., Court
House, City.

This is to advise you that an appeal has been entered in the above mentioned case by the Attorneys for the Claimant to the Superior Court of Baltimore City.

Just as soon as transcript of record has been prepared, it will be forwarded to the above mentioned Court and you will be advised when this has been done.

Respectfully,

Secretary.

AEB:C

STATE OF MARYLAND 0
 0 to wit -
CITY OF BALTIMORE 0

I hereby certify that the foregoing is truly taken from the records and proceedings of the State Industrial Accident Commission of the State of Maryland in the above entitled case.

In testimony whereof I hereunto subscribe my name and affix the seal of the State Industrial Accident Commission at Baltimore City this *4th* day of December A. D. 1925.


A. E. Brown
Secretary

105)
1925

Transcript of Record
from the
State Industrial Accident Commission
in the case of

JOHN E. HARRIS (DEC'D)	EMPLOYEE
MRS. AMELIA M. HARRIS	CLAIMANT
MAYOR & CITY COUNCIL	EMPLOYER
SELF	INSURER

Filed 4th Decr. 1925