

~~In The Baltimore City Court~~

IN THE SUPERIOR COURT OF BALTIMORE CITY.

State of Maryland, for the use and benefit of the Mayor and City Council of Baltimore, a municipal corporation, employer and self insurer, and for the use and benefit of Catherine Hyland, wife(now widow), of Daniel Hyland, deceased,

VS.

Saunders System Baltimore Company, a body corporate, and Theodore R. Griffin,

January Term, 1926.

Damages Claimed

\$25,000.00

S. C. Little

MR. GEO. CAREY LINDSAY,

Superior

Clerk of the Baltimore City Court:

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

Second Monday ofMay 1926.

Charles C Wallace

City Solicitor - Attorney for Plaintiff

I hereby authorize and approve the institution of the above suit.

Howard W Jackson
Acting Mayor.

2/25/12/31

No 239 ^{46K} / 1926

IN THE
SUPERIOR COURT OF BALTIMORE CITY

~~Baltimore City Council~~

State of Maryland, for the use
and benefit of the Mayor & City
Council of Baltimore, a municipal
corporation, employer and self
insurer, and for the use and
benefit of Catherine Hyland,
wife (now widow) of Daniel Hyland,
deceased, vs.

Saunders System Baltimore Com-
pany, a body corporate, and
Theodore R. Griffin, ^{"E. North Ave}
1635 Lindenbury Place.

TITLING

Mr. Clerk:

Please file and issue returnable to

Second Monday of May 1926.

Charles C. Wallace
Attorney for Plaintiff

BOX No. 2483

Filed 30 day of Apr 1926.

Faint vertical text and markings on the right side of the page, including a dotted line and some illegible handwriting.

STATE OF MARYLAND, for the use :
 and benefit of the MAYOR AND :
 CITY COUNCIL OF BALTIMORE, a :
 municipal corporation, employer, :
 and for the use and benefit of : IN THE
 CATHERINE HYLAND, wife (now widow) :
 of Daniel Hyland, deceased, : SUPERIOR COURT
 Plaintiffs :

-vs-

S.P. James & North Resident agent. : OF
 SAUNDERS SYSTEM BALTIMORE COMPANY, : BALTIMORE CITY.
 a body corporate, and THEODORE :
 R. GRIFFIN, :

Defendants. :
 :

DECLARATION IN TITLING CASE

State of Maryland, for the use and benefit
 of the Mayor and City Council of Baltimore, a municipal corpora-
 tion, employer, and for the use and benefit of Catherine Hyland,
 wife (now widow) of Daniel Hyland, deceased, plaintiffs, by
 Charles C. Wallace, City Solicitor, their attorney, sues
 Saunders System Baltimore Company, a body corporate, and Theodore
 R. Griffin, defendants:

FOR THAT, on the 30th day of April, 1925,
 the defendant Saunders System Baltimore Company, was a body
 corporate, duly incorporated, organized and existing, and ever
 since has been, and is now, and on said 30th day of April, 1925,
 owned and was engaged in the business of hiring automobiles to
 persons to run themselves or to drive themselves; and on said
 30th day of April, 1925, the said defendant, Saunders System

(4) 5/25/26.

Baltimore Company let or hired an automobile to Martin Yackowitz, of Baltimore City, who had in company with him Theodore R. Griffin, of Baltimore City, one of the defendants in this case; and it was the duty of the defendant, Saunders System Baltimore Company, to use reasonable and ordinary care to keep and maintain its automobiles let or hired to persons to drive themselves in a reasonably safe condition to be safely operated by persons operating them, as well for the safety of persons in the automobile as for those who might be lawfully using the streets and highways and roads over which automobiles are operated; but in default of its duty aforesaid, the defendant, Saunders System Baltimore Company, on the 30th day of April, 1925, let or hired an automobile to said Martin Yackowitz, which was not in a reasonably safe condition to be safely operated on the streets, roads and highways, in that through the want of due care on the part of the Saunders System Baltimore Company, its agents and servants, the brakes that are operated by the driver of an automobile, known as the foot brakes, were out of order, or were not in proper condition to enable the driver of said car to operate the same with safety, and in consequence thereof while the said car was being driven by the defendant, Theodore R. Griffin, down a road or highway in Druid Hill Park, Baltimore City, on the night of April 30th, 1925, with the permission and consent of said Martin Yackowitz, by reason of the said foot brakes of the said automobile not being in proper and safe condition, the said Theodore R. Griffin was unable to control said automobile, so that the said automobile ran rapidly down the said road or highway and turned over and struck Daniel Hyland, a night watchman or park policeman in the employ of the Mayor and City Council

of Baltimore, while in the performance of his duties in Druid Hill Park, and while he was using due care and caution in walking along and upon said road or highway, and while lawfully thereon; and in consequence the skull of said Daniel Hyland was fractured and he sustained other severe bodily injuries, in consequence of which he died on the 1st day of May, 1925, the said Daniel Hyland being the husband of the equitable plaintiff, Catherine Hyland; that the injuries resulting in the death of the said Daniel Hyland, the husband of the equitable plaintiff, Catherine Hyland, as aforesaid, were caused by the want of due and ordinary care on the part of the said defendants, and without any want of due and ordinary care or negligence on the part of the said Daniel Hyland directly contributing thereto.

The plaintiffs further say that the said Daniel Hyland was, at the time of said accident and inflicting of said injuries, from which he subsequently died, in the employ of the Mayor and City Council of Baltimore, a municipal corporation, one of the equitable plaintiffs herein, and that a claim for compensation was accordingly made by Catherine Hyland, the lawful widow and sole dependent of the said Daniel Hyland, the other equitable plaintiff herein, before the State Industrial Accident Commission of Maryland against the Mayor and City Council of Baltimore, a municipal corporation, employer of the said Daniel Hyland, and self-insurer under the provisions of the Public General Laws of the State of Maryland, commonly known as the Workmen's Compensation Act, and that after due consideration of said claim the State Industrial Accident Commission of Maryland did, on the 30th day of April, 1926, order the Mayor and City Council of Baltimore, a municipal corporation, employer

of the said Daniel Hyland, to pay as compensation to the said Catherine Hyland, one of the equitable plaintiffs herein and the widow of the said Daniel Hyland, deceased, a sum not to exceed \$5,000.00 in the aggregate, at the rate of \$15.40 per week, payable weekly, for the period of three hundred twenty-four and five-eighths weeks, beginning as of the 1st day of May, 1925, and the further sum of not more than \$125.00 for funeral expenses incurred by reason of the death of the said Daniel Hyland.

That the said accident and injuries to the said Daniel Hyland, resulting in his death as aforesaid, were caused by no fault or neglect of any kind or character on the part of the Mayor and City Council of Baltimore, a municipal corporation, his employer, nor by virtue of any default or neglect of any of its officers, agents or servants, and that the liability to pay the award aforesaid of the State Industrial Accident Commission of Maryland by the said Mayor and City Council of Baltimore, a municipal corporation, is due solely to the relationship of employer and employee which existed between said municipal corporation and the said Daniel Hyland at the time of said injuries received by him which resulted in his death as aforesaid, and the statutory responsibility imposed by said Workmen's Compensation Act upon said municipal corporation by virtue of said relationship; that the said accident and injuries to the said Daniel Hyland, resulting in his death as aforesaid, being due solely to the negligence and want of care on the part of the defendants, their agents and servants in the premises, a legal liability is imposed by law upon the defendants to pay damages in respect thereto; that under the terms and provisions of the Code of Public

General Laws of Maryland, generally known as the Workmen's Compensation Act, the said Mayor and City Council of Baltimore, a municipal corporation and one of the equitable plaintiffs herein, is authorized and entitled to enforce the liability of the defendants herein to the said Catherine Hyland, the lawful widow and sole dependent of the said Daniel Hyland, deceased, she being the other equitable plaintiff, for the use and benefit of the said municipal corporation as the employer of the said Daniel Hyland at the time of said accident and injuries which resulted in his death, to the extent of said compensation awarded against it by the State Industrial Accident Commission of Maryland, as aforesaid, and for the use and benefit of the said Daniel Hyland, deceased, for the excess of damages over and above the amount of compensation so awarded.

WHEREFORE this suit is brought and the plaintiffs claim \$25,000.00 damages.

Charles C. Wallace

City Solicitor - Attorney for Plaintiffs.

To the Defendants:

TAKE NOTICE: That on the day of your appearance to this action a rule will be entered requiring you to plead thereto within the time limited by law for pleading.

Charles C. Wallace

City Solicitor - Attorney for Plaintiffs.

The plaintiffs elect to have the above entitled case tried before a jury.

Charles C. Wallace

City Solicitor - Attorney for Plaintiffs.

464
1926

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IN THE SUPERIOR COURT

OF

BALTIMORE CITY.

for 464

Serve on

Theodore R. Griffin

1804 W. North Ave

STATE OF MARYLAND, for the use and benefit of the MAYOR AND CITY COUNCIL OF BALTIMORE, a municipal corporation, employer, and for the use and benefit of CATHERINE HYLAND, wife (now widow) of Daniel Hyland, deceased, Plaintiffs

-vs-

SAUNDERS SYSTEM BALTIMORE COMPANY, a body corporate, and THEODORE R. GRIFFIN, Defendants.

DECLARATION.

In Fitting Case

Mr. Clerk:-

Please file, etc.

Charles C. Wetback

City Solicitor - Attorney for Plaintiffs.

Filed 44th May 1926

Copy of the within Declaration served on the Saunders System Baltimore Company a body Corporate by service on James D. North, Resident Agent on the 25th of May 1926 in the presence of John Moyland also copy of the within Declaration served on Theodore R. Griffin on the 29 day of May 1926 in the presence of George G. Proderick

Recd \$100

John E. Potee
Sheriff

SHERIFF'S RETURN

SUMMONED Saunders System Baltimore Company
A CORPORATION, BY SERVICE ON James S. North Resident Agent
Sitting
AND A COPY OF ~~NAR AND NOTICE TO PLEAD~~ WITH A COPY OF THE PROCESS
LEFT WITH SAID Resident Agent, ALSO NOTICE OF SAID SUMMONS
LEFT AT THE PRINCIPAL OFFICE OF SAID CORPORATION.

Now Est as to Theodore P. Griffin

(moylan)
5-11-26

Fees \$1.20

John E. Potee
SHERIFF

(WRIT OF SUMMONS)

STATE OF MARYLAND,

BALTIMORE CITY, to wit:

To THE SHERIFF OF BALTIMORE CITY, GREETING:

You are hereby commanded to summon Saunders System
Baltimore Company a body corporate and
Theodore R. Griffin

of Baltimore City, to appear before the Superior Court of Baltimore City, to be held at the Court House
in the same city, on the second Monday of May next, to answer
an action at the suit of State of Maryland for the use and benefit of the Mayor and
City Council of Baltimore, a municipal corporation, employer and self insurer,
and for the use and benefit of Catherine Hyland, wife (now widow) of
Daniel Hyland deceased

and have you then and there this writ.

Witness, the Honorable JAMES P. GORTER, Chief Judge of the Supreme Bench of Baltimore City,

the 11th day of January 192 6

Issued 30th day of April 192 6

Stephen C Little, Clerk.

MAY 10 1926
Renewed to June 20

Summoned and a copy of the same
Notice to plead left with the defendant

Produced
v-29-26 Fees \$0.80 Sheriff

P 161

You have been summoned to appear in Court on the Second Monday of May 1926. Personal attendance in Court on the day named is not required; but, unless within such number of days thereafter as the law limits, legal defense is made to the above mentioned suit, a judgment by default may be entered against you.

239 464
No. ~~235~~ 463/1926 Su. Ct.

State of Maryland for the
use of Mayor and City
Council of Baltimore &c

1804 W North Ave
vs.

Saunders System Balto. Co.

11 E North Ave

TITLING

Writ of Summons & one copy

Copy of Writ and Notice to Plead Within
to be served on Defendant.

C. C. Wallace

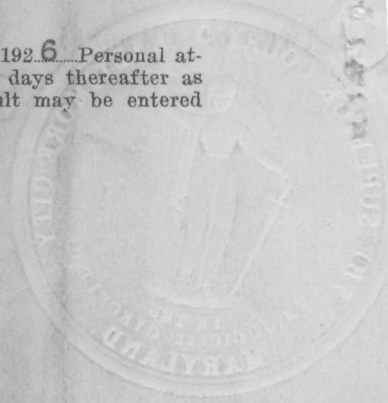
Attorney

Filed

day of

1926

14



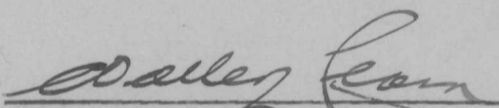
STATE OF MARYLAND,
For the use of the :
MAYOR AND CITY COUNCIL :
OF BALTIMORE, a municipal : IN THE SUPERIOR COURT
corporation, employer and :
self insurer, and for the :
use and benefit of : OF
CATHERINE HYLAND, wife :
(now widow) of DANIEL :
HYLAND, deceased. : BALTIMORE CITY.

- v -

SAUNDERS SYSTEM BALTIMORE :
COMPANY, a body corporate, :
and Theodore R. Griffin. :

Mr. Clerk:

Please enter my appearance as attorney for the
Saunders System Baltimore Company, one of the defendants
in the above entitled case, and lay rule nar upon the
plaintiff.


Attorney for Saunders
System Baltimore Company,
one of the defendants.

WLC-F

5-18-1926.

IN THE SUPERIOR COURT

OF

BALTIMORE CITY.

STATE OF MARYLAND, for the
use of the MAYOR AND CITY
COUNCIL OF BALTIMORE, a
municipal corporation,
employer and self insurer,
and for the use and benefit
of CATHERINE HYLAND, wife
(now widow) of DANIEL HYLAND
deceased,

- v -

SAUNDERS SYSTEM BALTIMORE
COMPANY, a body corporate
and THEODORE R. GRIFFIN.

NOTICE OF APPEARANCE

AND RULE NAR.

Mr. Clerk:

Please file.



Attorney for Saunders
System Baltimore Co.,
one of the defendants.

BOWIE & CLARK

FIDELITY BUILDING

BALTIMORE

FILED MAY 10 1926

STATE OF MARYLAND, for the use
and benefit of the MAYOR AND
CITY COUNCIL OF BALTIMORE, a
municipal corporation, employer,
and for the use and benefit of
CATHERINE HYLAND, wife (now widow)
of Daniel Hyland, Deceased,

- v -

SAUNDERS SYSTEM BALTIMORE COMPANY,
a body corporate, and THEODORE
R. GRIFFIN

:
: IN THE SUPERIOR COURT
:
:
:
: OF
:
: BALTIMORE CITY.
:

Saunders System Baltimore Company, a body corporate,
one of the defendants in the above entitled case, by Walter
L. Clark, its attorney, to the declaration filed herein,
says:

That it did not commit the wrongs alleged.

Walter Clark

Attorney for Saunders
System Baltimore Company.

WLC-F
5-28-1926.

464
26

IN THE SUPERIOR COURT OF
BALTIMORE CITY.

STATE OF MARYLAND, for use
and benefit of the Mayor
and City Council of Balti-
more, a municipal corpora-
tion, employer, and for the
use and benefit of Catherine
Hyland, wife (now widow)
of Daniel Hyland, Deceased,

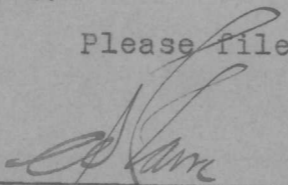
- v -

SAUNDERS SYSTEM BALTIMORE CO
a body corporate, and
THEODORE R. GRIFFIN.

PLEA TO DECLARATION.

Mr. Clerk:

Please file.



Attorney for Saunders System
Company, one of the defendants.

BOWIE & CLARK
FIDELITY BUILDING
BALTIMORE

FILED JUN 1 1926

464
1926

IN THE
SUPERIOR COURT
OF
BALTIMORE CITY.

STATE OF MARYLAND, for the
use of the MAYOR AND CITY COUNCIL
OF BALTIMORE, a municipal corporation,
employer and self-insurer, and for
the use and benefit of CATHERINE
HYLAND, wife, (now widow) of DANIEL
HYLAND, deceased.

vs.

SAUNDERS SYSTEM BALTIMORE COMPANY,
a body corporate, and THEODORE H.
GRIFFIN.

ORDER OF DISMISSAL.

Mr. Clerk:

Please file, etc.

W. W. Warner

City Solicitor,
Attorney for Plaintiff.

Filed 27 Sept 1926