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ID Suff

No. 163 21

IN THE BALTIMORE CITY

COURT. 114

165 11

BOX 1236 1

GEORGE BROWN

Cont

VS.

UNITED RAILWAY & ELECTRIC COMPANY OF BALTIMORE CITY, a Body corporate.

Mr. Clerk:-

Please file.

J. Steward Davis

Georgen, Evans

ATTORNEYS FOR PLAINTIFF.

J. STEWARD DAVIS
ATTORNEY AT LAW
215 SAINT PAUL PLACE
BALTIMORE, MD.

FILED FEB 2 - 1924

BAUMGARTEN & CO., INC.

3/32/1/23

GEORGE BROWN	:	IN THE
VS.		
UNITED RAILWAY & ELECTRIC COMPANY OF BALTIMORE CITY, a body corporate	:	BALTIMORE CITY COURT
	:	

George Brown, plaintiff, by J. Steward Davis and George W. Evans his attorneys, sues the United Railway and Electric Company, a body corporate.

For that the United Railway and Electric Company of Baltimore City is a corporation duly incorporated under the laws of the State of Maryland, and is engaged as a public carrier for the transportation of passengers by means of electrically propelled lines over the streets of Baltimore City.

For that whereas, the plaintiff, to wit, the 24th day of December, 1923 at Baltimore City, in the State aforesaid, was driving his automobile along and upon a certain street or highway known as Light Street at or near to its intersection with another certain street or highway known as Hillen St. upon which said defendant had a certain railroad which passed along said Hillen Street and over and across said Light Street at said intersection; and the said defendant had then and there a certain street car or motor car which street car or motor car was then and there under the care, control and management of then, servants of the defendant, who were then driving, propelling or operating the same along said railroad tract on Hillen Street aforesaid in a westerly direction near and toward the crossing or intersection of said Hillen Street with Light Street as aforementioned.

And while the plaintiff with due care for his own safety and the safety of others was then and there driving his automobile in a southerly direction upon and along the said Light Street, at the crossing aforesaid, the defendant, whose duty it then was to cause said street car or motor car to approach and pass the said crossing there, with great care, caution and diligence, did by its servants, then and there so carelessly and negligently cause said street car or motor car to be driven to and over said crossing, that the said street car or motor car ran into and struck against the plaintiff's automobile with great force and thereby the plaintiff's automobile was greatly damaged.

Wherefore the plaintiff's automobile was greatly damaged and claims therefore $1500.00.

J. Howard Davis
George Evans
attorneys for plaintiff

The plaintiff elects to have the case tried before a Jury and prays leave of court to do so.

J. Steward Davis

George W. Evans

ATTORNEYS FOR PLAINTIFF.

TO THE DEFENDANT:-

TAKE NOTICE: That on the day of your appearance to this action in the Baltimore City Court, a rule will be entered requiring you to plead to the aforesaid declaration within thirty days.

J. Howard Evans

George Evans

ATTORNEYS FOR PLAINTIFF.

P-266 291/55

No. 163

February R. D. 192 4

Baltimore City Court.

George Brown

vs.

The United Railways and Electric Company of Baltimore

WRIT OF SUMMONS

with Copy Court

and one Copy of Nar and Notice to plead within to be served on defendant.

J. Stewart Davis
George W. Evans
Attorney for Plaintiff

Filed FEB 12 1924 day of 192

2

WRIT OF SUMMONS

STATE OF MARYLAND

BALTIMORE CITY TO WIT:

To the Sheriff of Baltimore City, Greeting:

You are commanded to summon

The United Railways and Electric Company of Baltimore, a body corporate

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 inst. ~~next~~, *to answer an action at the suit of*

George Brown

and have you then and there this writ.

Witness *the Honorable* James P. Gorter ~~MORRIS A. SOBER~~ *Chief Judge of the Supreme Bench of Baltimore City, the* 14th. *day of* January *192* 4

Issued the 2nd. *day of* February *in the year 192* 4

Geo. Carey Lindsay *Clerk.*

SHERIFF'S RETURN

SUMMONED THE UNITED RAILWAYS AND ELECTRIC COMPANY OF BALTIMORE, A CORPORATION, BY SERVICE ON Edward Early, Assistant ~~JOHN T. STAUB~~, TREASURER, AND A COPY OF NAR AND NOTICE TO PLEAD WITH A COPY OF THE PROCESS LEFT WITH SAID Assistant TREASURER.

Fees $1.20

(Yeffa) 7/9/24

John E. Cotee
SHERIFF

163 Feb

291/55

In the

Baltimore City Court

George Brown

vs.

THE UNITED RAILWAYS AND
ELECTRIC COMPANY OF
BALTIMORE.

P L E A .

Mr. Clerk:

Please file.

J. Cambrooks Thom
Attorney for Defendant.

FILED FEB 29 1924

Form A-57—3-24-19—1000.

George Brown vs. THE UNITED RAILWAYS AND ELECTRIC COMPANY OF BALTIMORE, a corporation.	In the Baltimore City Court

PLEA.

The Defendant, The United Railways and Electric Company of Baltimore, by J. Pembroke Thom, its attorney, for Plea, says:

That it did not commit the wrongs alleged.

J. Pembroke Thom

Attorney for Defendant.

165

Plaintiff
Jury Dick
Verdict for
Defendant.

291
55
165 P.

BEFORE THE JUDGE AT LARGE. No. 3.

1st—3 Weeks September Term, 1925

(Beginning Monday, September 14th, 1925)

W. STUART SYMINGTON, JR., Judge.

BALTIMORE CITY COURT

George Brown.

vs.

United Rys. & Electric Co. of Baltimore a Body Corporate

Jury Sworn 16th Sept. *1925.*

Harry C. Williams *Foreman.*

~~JOHN A. HAYES, Statistician, B. & O. R. R., 26~~ S. Fulton Ave.

2 IRVING B. MARTIN, Hatmaker, Hobbs Francis Co., 2011 Belair Road.

GEO. J. KROEGER, Secretary, M. & S. Co., 1611 Linden Ave.

3 CYRIL W. BAUGHER, Manufacturer's Agent, 905 Cathedral St.

JOHN W. CRAWFORD, Clerk, Bartlett-Hayward Co., 1203 Ashburton.

4 JOHN W. JANNEY, Bookkeeper, Wm. H. Whiting & Co., 517 Orkney Road.

~~MAURICE S. ENGLAR, Real Estate and Insurance,~~ 3316 Gwynns Falls Parkway.

~~GEO. H. ENGLAND, Secretary, Wm. Schluderberg-Kurdle Co.,~~ 252 Rose Ave., Raspeburg.

5 JOHN F. FINCK, Printer, 1932 E. 31st.

~~EARL C. BRACH, Auditor, Mnfrs. Liability Ins. Co.,~~ 2817 Winchester.

~~JOHN H. BOPST, Grocer, 3363 Beech Ave.~~

6 MAX ROTHMAN, Cutter, Henry Sonneborn & Co., Inc., 2409 E. Fairmount Ave.

7 HERMAN H. ELLERBROCK, Photographer, 1816 N. Washington.

8 GEORGE M. BUTLER, Sexton, Church of Messiah, 1667 N. Milton Ave.

9 GEO. N. A. SCHMITT, Osteopath, 305 W. Lanvale.

CHAS. E. MEEKS, Upholsterer, 720 Washington Boulevard.

10 WM. PLATE, SR., Machinist, Chas. Zies & Sons, 111 Union Ave., Wilhelm Park.

GEORGE GEIGER, Tinner, 1309 N. Montford Ave.

FREDK. G. BALK, Upholsterer, Geo. Spindler, 2511 E. Fayette.

~~HARRY J. BASSFORD, Agent, John Hancock Mutual Life In-~~ surce Co., 623 E. 33rd.

11 WALTER C. THOMAS, Salesman, White-Taylor Co., 3204 Windsor Ave.

HARRY C. WILLIAMS, Manager, 2615 Oswego Ave.

HARRY O. PERRY, Merchant Tailor, 226 Homewood Terrace.

12 WILBUR M. MOBERLY, Clothing Cutter, Weigel & Co., 2712 Winchester.

~~EUGENE J. CASSIDY, Printer, Franklin Printing Co.,~~ 422 E. Lanvale.

#165

Defendants
Jury List

291
55
165

BEFORE THE JUDGE AT LARGE. No. 3.

1st—3 Weeks September Term, 1925

(Beginning Monday, September 14th, 1925)

W. STUART SYMINGTON, JR., Judge.

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George Brown

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EUGENE J. CASSIDY, Printer, Franklin Printing Co., 422 E. Lanvale.

165

Brown

9/2

United Rep

BEFORE THE JUDGE AT LARGE No.

SUMMONS FOR WITNESS **ROOM 135** No. 165

In Baltimore City Court.

Sept Term, 192 5

The Sheriff will please summon the following witnesses:

Returnable on Tuesday the 15th day of Sept

192 5, at 10 o'clock A. M.

#165

GEORGE BROWN : IN THE

VS. :

THE UNITED RAILWAYS & ELECTRIC COMPANY OF BALTIMORE CITY, a body corporate : BALTIMORE CITY COURT.

Mr.Clerk:-

Please summon the following witnesses and make the same returnable at 10 A.M. Tuesday, September 15, 1925 in the Baltimore City Court, Judge Dawkins Room 126 Court House.

5 Captain George Brown.....Steamer Favorite Foot of Broadway

10 Irving Hall.....1101 Druid Hill Ave.,

11 Frank Brown.....2103 Druid Hill Ave.

Davis T Evans

ATTORNEYS FOR PLAINTIFF.

Brown

vs

United Ruy. & Elec. Co.

Brief
(1/27/25)

SUMMONS FOR WITNESS No. _____

In Baltimore City Court.

ROOM 134

January Term, 1925

The Sheriff will please summon the following witnesses:

Returnable on Wednesday the 28th day of January 1925, at 10 o'clock A. M.

GEORGE BROWN :

VS. :

THE UNITED RAILWAYS & ELECTRIC COMPANY OF BALTIMORE CITY, a body corporate :

IN THE

BALTIMORE CITY COURT.

Mr.Clerk:-

Please summon the following witnesses and make the same returnable at 10 A.M. Jan.28th,1925 in the Baltimore City Court, Judge Duke Bond, Room 134 Court House:

sp Captain George Brown.....2103 Druid Hill Ave.

Irving Hall.....1101 Druid Hill Ave.

sd Frank Brown.....2103 Druid Hill Ave.

Davis & Evans

ATTORNEYS FOR PLAINTIFF.

165/Brown

United Rys

BEFORE THE JUDGE AT LARGE No.

SUMMONS FOR WITNESS **ROOM 135** No. 165

In Baltimore City Court.

Sept Term, 1925

The Sheriff will please summon the following witnesses:

Returnable on Tuesday the 15 day of Sept.

1925, at 10 o'clock A. M.

Form A-139 11-15-23 1000

#165

GEORGE S. BROWN
vs.
The United Railways & Electric Co.
of Baltimore

In the

BALTIMORE CITY COURT #3

Mr. Clerk,—

Please have summoned the below mentioned witnesses to testify for the defendant in the above entitled case, returnable Tuesday, September 15, 1925, at 10 A.M.

6	Steve Fuka Sd	925 N. Maderia Street
6	George H. Sabiston Sd	2524 Ashland Avenue
6	Frederick W. Langkam Sd	3125 McElderry Street
4	Mae E. Marchant Sd	913 N. Charles Street
19	J. H. Neely Sd	Oak and 26th Streets
	[illegible] J. Davies	[illegible] 10th Street, Orangeville.
6	Joseph Schuster Sd	3039 E. Monument Street
6	Thomas G. Huth Sd	500 N. Washington Street

Walter V. Harrison

Attorney for defendant.

Jiffy Brown

9/2

United

SUMMONS FOR WITNESS

No. 165

PART 3

Baltimore City Court.

ROOM 226

Sept. 1925

The Sheriff will please summon the following witnesses:

Returnable on Thursday the 14th day of Sept.

192 5, at 10 o'clock A. M.

GEORGE BROWN : IN THE

VS. :

THE UNITED RAILWAYS & ELECTRIC COMPANY OF BALTIMORE CITY, a body corporate. : BALTIMORE CITY COURT.

Mr.Clerk:-

Please summon the following witness and make the same returnable at 10 A.M. Thursday, Sept.17th, 1925 in the Baltimore City Court, Judge Dawkins, Room 226 Court House.

15 Mr.Smith, Sr. S.A. Brooklyn Garage, Brooklyn, Md.

Davis & Evans

ATTORNEYS FOR PLAINTIFF.

PLAINTIFF'S 1st PRAYER

The plaintiff prays the Court to instruct the Jury that all vehicles have the right of way over other vihicles approaching at intersecting roads from the left and shall give right of way to those approaching from the right.

Refused

DEFENDANT'S 1 PRAYER.

The Court instructs the Jury that there is no evidence in this case legally sufficient under the pleadings to entitle the plaintiff to recover and their verdict must be for the defendant.

Refused at close of Plaintiffs case

DEFENDANT'S 2. PRAYER.

The Court instructs the Jury that from the uncontradicted evidence in this case the driver of the plaintiff's automobile directly contributed to the accident complained of and therefore their verdict must be for the defendant.

Refused

DEFENDANT'S 1 PRAYER.

The Court instructs the Jury that there is no evidence in this case legally sufficient under the pleadings to entitle the plaintiff to recover and their verdict must be for the defendant.

Refused

Refused
Hayes

PLAINTIFF'S 3rd PRAYER

The plaintiff prays the Court to instruct the Jury that if they find from the evidence that the plaintiff's machine was damaged when in a collision with a ~~machine~~ car of the defendant's and that the said damage resulted directly from the want of ordinary care or prudence on the part of the said defendant, his agent or servant in the operation of his machine and not from the want of ordinary care or prudence on the part of the plaintiff directly contributing thereto, then the plaintiff is entitled to recover.

Granted

PLAINTIFF'S 2nd PRAYER

The plaintiff prays the Court to instruct the Jury that if they find their verdict for the plaintiff, then they shall award the plaintiff as damages, such sum as they shall find from the evidence represented the cost to repair the damage to the automobile of the plaintiff caused by said accident.

Bantis

DEFENDANT'S 3. PRAYER

The Court instructs the jury that if they shall find from the evidence that the accident in question could have been avoided by the exercise of ordinary care and caution on the part of the driver of the plaintiff's automobile, the plaintiff is not entitled to recover.

Granted

DEFENDANT'S 4 PRAYER.

The Court instructs the jury that their verdict should be for the defendant unless they find from the evidence that the damage to the plaintiff's automobile was caused by the want of ordinary care on the part of the motorman of the defendant's car.

Granted

DEFENDANT'S 5. PRAYER.

The Court instructs the jury that even if they should find that the motorman of the defendant's car was guilty of negligence, yet, if they shall further believe from the evidence that the driver of the plaintiff's automobile was also guilty of negligence and that the damage to said automobile was directly caused partly by the negligence of the motorman and partly by the negligence of the driver, then the verdict of the jury must be for the defendant without regard to whose negligence was the greater.

Granted

DEFENDANT'S 6. PRAYER.

The Court instructs the jury that even if the motorman of the car saw the auto approaching the track, if the jury so find, he had the right to assume that the chauffeur of the auto would stop in a place of safety, and would not attempt to drive across the track in close proximity to the car.

Pantin

DEFENDANT'S 7. PRAYER.

The Court instructs the jury that it is the duty of the driver of an automobile before crossing street railway tracks to look to see if a car is approaching, and if the jury shall find from the evidence that the driver of the plaintiff's automobile did not look before crossing the tracks, and shall further find that if he had looked he could by the use of ordinary and reasonable care have prevented the accident complained of, if the jury so find, then the driver of the automobile mentioned in the evidence was guilty of negligence, and if the jury further find that his negligence directly contributed to the accident, then the verdict of the jury must be for the defendant.

Granted

DEFENDANT'S 7 PRAYER.

The Court instructs the jury that it is the duty of the driver of an automobile before crossing street railway tracks to look to see if a car is approaching, and if the jury shall find from the evidence that the driver of the plaintiff's automobile did not look before crossing the tracks, and shall further find that if he had looked he could by the use of ordinary and reasonable care have prevented the accident complained of, if the jury so find, then the driver of the automobile mentioned in the evidence was guilty of negligence, and if the jury further find that his negligence directly contributed to the accident, then the verdict of the jury must be for the defendant.

Refused

Granted
Sayers