

3/12/32

IN THE COURT OF COMMON PLEAS

OF

BALTIMORE CITY.

JOSEPH DORSEY

VS.

UNITED RAILWAYS AND ELECTRIC COMPANY OF BALTIMORE CITY, a body corporate

DECLARATION

Mr. Clerk:-  
Please file.

*David Evans*  
ATTORNEYS FOR PLAINTIFF.

~~DAVIS & EVANS~~  
DAVIS & EVANS,  
ATTORNEY AT LAW

215 SAINT PAUL PLACE  
BALTIMORE, MD.

APR 16 1925 FILED

BAUMGARTEN & CO., INC.

*Handwritten notes:*  
12/25  
57  
194/25

JOSEPH DORSEY : IN THE COURT OF COMMON PLEAS

VS. : OF

UNITED RAILWAYS AND : BALTIMORE CITY.  
ELECTRIC COMPANY OF :  
BALTIMORE CITY, a body :  
corporate :

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Joseph Dorsey, plaintiff by Davis and Evans his attorneys, sues the United Railways and Electric Company of Baltimore City, a body corporate.

I. For that the United Railways 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.

2. For that heretofore, to wit: on or about the 6th day of February, 1925 the plaintiff was driving an automobile along and upon Pennsylvania Avenue, a public highway of Baltimore City upon which the defendant had a certain railway, 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 the servants of the defendant, who were then driving, propelling or operating the same along said railroad track on Pennsylvania Avenue aforesaid. And while the plaintiff with due care for his own safety and the safety of others, was then and there driving his automobile upon and along the said Pennsylvania Avenue, the defendant, whose duty it was to cause said street car to be driven with great care, caution, and diligence along said Pennsylvania Avenue, did by its servants, then and there so carelessly and negligently cause said street

car or Motor car to be driven along said Pennsylvania Avenue that said street car ran into and struck against the plaintiff's automobile with great force and violence and the plaintiff's automobile was greatly damaged.

And the plaintiff by reason thereof also suffered personal injuries and damages and he became and was sick, sore and lame and disordered and so remained for a long time, during all of which time he was forced to and did spend divers sums of money in attempting to cure himself of his hurts and wounds occasioned as aforesaid.

And the plaintiff says that his injuries and damages were caused by the negligence and want of due care on the part of the defendant, its servants, agents or employees and he in nowise contributed directly thereto.

Wherefore the plaintiff claims \$5,000.00 damages.

*Davis Evans*  
ATTORNEYS FOR PLAINTIFF.

The plaintiff elects to have this case tried before a jury and prays leave of Court to do so.

*Davis Evans*  
ATTORNEYS FOR PLAINTIFF.

TO THE DEFENDANT:

TAKE NOTICE: That on the day of your appearance to this action in The Court of Common Pleas of Baltimore City, a rule will be entered requiring you to plead to the above declaration within the time required by law.

*Davis Evans*  
ATTORNEYS FOR PLAINTIFF.

P. 457 <sup>1914</sup>/<sub>25</sub>

No. 57

To May R. D. 1925

Joseph Dorsey

vs.

United Rvly & Elec  
Co a body corp.

**WRIT OF SUMMONS.**

*copy*

Action, copy of Nar and notice to  
plead to be served on Defendant.

Davis & Curtis  
Attorney.

Filed 11 day of May 1925



[WRIT OF SUMMONS.]

# STATE OF MARYLAND,

BALTIMORE CITY, to wit:

To THE SHERIFF OF BALTIMORE, CITY, GREETING:

You are hereby commanded to summon

**THE UNITED RAILWAYS AND ELECTRIC COMPANY  
OF BALTIMORE,** **A Body Corporate,**

of Baltimore City, to appear before the Court of Common Pleas, 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

*Joseph Dorsey.*

and have you then and there this writ:

WITNESS, the Honorable JAS. P. GORTER, Chief Judge of the Supreme Bench of Baltimore City  
the 12<sup>th</sup> day of January 1925

ISSUED 16<sup>th</sup> day of April 1925  
*James G. Claypool*, Clerk

# SHERIFF'S RETURN

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

(Budacz)  
(4/18/25)

Filed 4/20

John E. Pote

SHERIFF

104

In the

Court of Common Pleas

of Baltimore City.

Joseph Dorsey

vs.

THE UNITED RAILWAYS AND  
ELECTRIC COMPANY OF  
BALTIMORE.

P L E A •

Mr. Clerk:

Please file.

*J. Pendleton Thomas*  
Attorney for Defendant.

MAY 6 1925 FILED

Joseph Dorsey

VS.

THE UNITED RAILWAYS AND  
ELECTRIC COMPANY OF  
BALTIMORE,  
a corporation.

In the

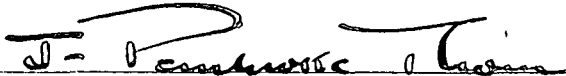
Court of Common Pleas of

Baltimore City

P L E A .

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.



Attorney for Defendant.



627  
528

Dorsey  
vs

United Pipe &  
Elect Co

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IN THE COURT OF COMMON PLEAS

TO THE SHERIFF OF BALTIMORE CITY:

May Term 1926.

SUMMON

To Testify for Wanted Guy Otto Downey.

returnable Tuesday Sept 14, 1926 at 10 A.M.

Issued 9/11 1926

James J. O'Keefe  
Clerk.

#27

JOSEPH DORSEY

vs.

**The United Railways & Electric Co.**  
of Baltimore

In the

COURT OF COMMON PLEAS

Mr. Clerk,—

Please have summoned the below mentioned witnesses to testify for the defendant in the above entitled case, returnable Tuesday, September 14, 1926, at 10 A.M.

- |    |                             |                       |
|----|-----------------------------|-----------------------|
| 17 | Elmer H Packie <i>sd</i>    | 608 N. Hilton Street  |
| 17 | Charles Crawford <i>sd</i>  | 2817 Brighton Street  |
| 17 | Edgar A. Preston <i>sd</i>  | 1536 Moreland Avenue  |
| 17 | Hugh Taylor <i>sd</i>       | 1820 Thomas Avenue    |
| 9  | Dr. F. K. Gorsuch <i>sd</i> | 117 W Saratoga Street |
| 17 | Percy A Hicks- <i>sd</i>    | 2104 Boyd Street      |

*Walter V. Harrison*  
Attorney for defendant

IN THE COURT OF COMMON PLEAS

*Sept Term* 1926

TO THE SHERIFF OF BALTIMORE CITY:

SUMMON

To Testify for

*Dorsey Etal vs United Rwy & Elec Co Inc*

returnable

*Tuesday Sept 14<sup>th</sup> 1926 at 10 A.M.*

Issued

*9/10* 1926

*James C. Baypole*

Clerk.

Case 17-28

JOSEPH DORSEY *et al* : IN THE COURT OF COMMON PLEAS

VS. : OF

UNITED RAILWAYS AND  
ELECTRIC COMPANY OF  
BALTIMORE CITY, a body  
corporate : BALTIMORE CITY.

Mr. Clerk:-

Please issue summons for the following persons and  
make the same returnable before the Court Tuesday September 14th  
1926 at 10 A.M.

- 13 Joseph Dorsey *D.*.....414 N. Mount St.,
- 13 Paul Jones *S.*.....414 N. Mount St.,
- 13 Elvira Fulton *S.*.....414 N. Mount St.,
- Dr. Walter Jackson *W.*.....1314 Harlem Ave.

*Davis Evans*  
ATTORNEYS FOR PLAINTIFF.

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1718

Donny  
NY

United Way  
Elect Soc

Page 77

1478

Dorsey  
vs

United Dry &  
Ice Co

Page 77

IN THE COURT OF COMMON PLEAS

*Sept. Term* 1926

TO THE SHERIFF OF BALTIMORE CITY:

SUMMON

To Testify for

*Dorsey United Ats Dorsey*

returnable

*Wednesday Sept 15, 1926 at 10 A.M.*

Issued

*9/14* 1926

*James J. Claypoole* Clerk.



#27

JOSEPH DORSEY

vs.

**The United Railways & Electric Co.**  
of Baltimore

In the

COURT OF COMMON PLEAS

Mr. Clerk,—

Please have summoned the below mentioned witnesses to testify for the defendant in the above entitled case, returnable **Wednesday, September 15, 1926,** at 10 A.M.

17	Elmer H Packie <i>HE</i>	608 N. Hilton Street
17	Edgar A. Preston	1536 Moreland Avenue
10		or
		700 Pennsylvania Ave
17	Hugh Taylor	1820 Thomas Ave

PERSONAL SUMMONS.

*Waeter V. Harrison*  
Attorney for defendant.

1st—3 Weeks September Term, 1926

(Beginning Tuesday, September 14, 1926)

H. ARTHUR STUMP, Judge.

Docket..... 1925

Page..... 194

# Court of Common Pleas

Joseph Dansey

V. *W. W. v. E. Co.*

Jury Sworn *Wed. Sept. 15<sup>th</sup>* 1926.

*Elmer F. Pilsch* Foreman.

1  
2 HENRY J. FOLKER, Photo Engraver, Art Engraving Co.,  
1817 N. Milton Ave.

ELMER FRANCIS PILSCH, Optician, Balto. Optical Co.,  
29 Southern Ave.

~~CHAS. F. FISHER, Clerk, Egerton Bros., 5807 Magnolia Av.~~

~~HENRY SCHNITZLER, Grocer, 1647 N. Patterson Pl. Av.~~

3 MORRIS KOHN, Real Estate, 2212 Park Ave.

4 CHRISTIAN J. SCHMUCK, Shipping Clerk, Monitor Con-  
troller Co., 42 E. White Ave.

~~GEORGE J. ECKEL, Real Estate, 17 Strathmore Ave.,  
Hamilton.~~

~~FREDERIC W. LEGG, Banker, Nelson, Cook & Co.,  
100 Edgevale Rd.~~

~~BUSHROD RUTHERFORD WATTS, Coal, 918 University  
Parkway.~~

~~GEO. H. COBBE, Foreman, 719 N. Luzerne Ave.~~

~~CHRISTIAN H. LAUTENBERGER, Salesman, Isaac Ham-  
burger & Sons, 136 Spalding Ave.~~

5 MATTHEW J. THOME, Foreman, Sharp & Dohme,  
2221 E. Biddle St.

6 WM. H. MOWATT, Florist, S. H. Moss, Inc.,  
410 Markland Ave.

JOHN ROCHE, Mngt., Mnfrs. Finance Co.,  
1409 Mt. Royal Ave.

AUSTIN J. KEEN, Retired, 41 E. Hamilton Ave.

WARREN B. BEEBE, Coal, 4819 Milford Ave.

ALLEN D. MORROW, Salesman, G. S. Houser & Co.,  
2846 Parkwood Ave.

7 WM. H. ROBSON, Secy., Brigham Hopkins Co.,  
4106 Belvieu Ave.

8 WM. A. OETTINGER, Accountant, 2112 W. Baltimore St.

9 FREDK. STRODTMAN, Watchmaker, 3310 W. North Ave.

10 BASCOM R. HENRIX, Clerk, The Henry B. Gilpin Co.,  
2015 Linden Ave.

JOS. A. GALLAGHER, Real Estate, 3904 Canterbury Rd.

11 FRED C. BUTLER, Dry Goods, 7 Halyon Ave.

12 JAMES A. HIGGINS, Clerk, C. W. Gross, 1716 Dukeland Av.

PHILIP HOFMEISTER, Lithographer, 2632 N. Calvert St.

1st—3 Weeks September Term, 1926

(Beginning Tuesday, September 14, 1926)

H. ARTHUR STUMP, Judge.

Docket... 1925  
Page... 194

# Court of Common Pleas

*Dussey*

*W. M. ...*

Jury Sworn *Wed Sept 15th* 1926.

*Elmer F. Pilsch*

Foreman.

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~~CHAS. E. FISHER, Clerk, Egerton Bros., 5307 Magnolia Av.~~

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Parkway.~~

~~GEO. H. COHEE, Foreman, 719 N. Luzerne Ave.~~

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PHILIP HOFMEISTER, Lithographer, 2632 N. Calvert St.

DEFENDANT'S

/

PRAYER

The Court instructs the jury that if they believe from the evidence that the plaintiff could have avoided the accident by the use of ordinary care on his part, then the verdict of the jury must be for the defendant.

*Granted*

The plaintiff prepared the cost to purchase the  
ferry that they took from the evidence that  
the defendant owned by the plaintiff was dis-  
covered in front of the street car of the de-  
fendant company and had been direct-  
ly in front of the car for 100 yards, their  
verdict allowed her for the plaintiff, provided  
that the jury further find that the plaintiff was  
never due leave and caution and that the  
plaintiff was guilty of no negligence con-  
tributing to the accident.

Grant.

DEFENDANT'S 2 PRAYER

The Court instructs the jury that if they believe from the evidence that the automobile was driven upon the street car tracks when the street car was in such close proximity thereto that the motorman of said street car could not, by the exercise of ordinary care and skill, reduce the speed thereof in sufficient time to avoid the accident, then the verdict of the jury must be for the defendant.

*Granted*

DEFENDANT'S 3 PRAYER

The Court instructs the jury that the mere happening of an accident raises no presumption of negligence on the part of the defendant, but that the burden of proof is upon the plaintiff to show that the injury complained of was caused by the want of ordinary care on the part of the motorman of the car, and unless the jury shall be satisfied by a preponderance of the testimony that the injury complained of was caused solely by the want of ordinary care on the part of the motorman, the plaintiff is not entitled to recover and the verdict of the jury must be for the defendant.

*Granted*

DEFENDANT'S. 4 PRAYER

The Court instructs the jury that it is the duty of a driver of an automobile before crossing a street railway track to look to see if a car is approaching, and if the jury shall find from the evidence that the driver did not look before crossing the track, 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 his negligence directly contributed to the accident, and there can be no recovery in this case, and their verdict must be for the defendant.

*Granted*