

196 1167 1203  
56  
IN THE BALTIMORE CITY

COURT  
BOX NO 1167  
*for file*

RASSIE McCOY, Jr. by his  
father and next friend

RASSIE McCOY, SR.

VS.

JOSEPH HENDRIX.

*320 E Sandale St*

Mr. Clerk:-

Please file.

*Davis Evans*  
ATTORNEYS FOR PLAINTIFF.

FILED AUG 7 1921

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

3/32/2/13

17  
RASSIE McCOY, JR. by his  
father and next friend

RASSIE MCCOY, SR.

:

IN THE

VS.

:

BALTIMORE CITY COURT.

JOSEPH HENDRIX

:

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Rassie McCoy, Jr., an infant, by his father and next friend Rassie McCoy, Sr., through his attorneys Davis and Evans, sues Joseph Hendrix; for that the defendant on or about the fourth day of June, 1924, was driving an automobile at the intersection of George and Brune Streets in Baltimore City, State of Maryland; and while the said Rassie McCoy, Jr. with due care and caution, was crossing the intersection of George and Brune Streets, in the City and State aforesaid, the defendant did then and there carelessly and negligently cause the said automobile to strike the said Rassie McCoy, Jr. with great force and violence thereby injuring the said Rassie McCoy greatly; and that the said Rassie McCoy, Jr. was guilty of no negligence contributing thereto.

WHEREFORE the plaintiff claims \$10,000 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 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 thereafter.

*Davis & Evans*  
ATTORNEYS FOR PLAINTIFF.

SEP 10 1924

RENEWED TO OCT R D 1924

John E. Pote  
(Morgan)

John E. Pote  
Sheriff

25<sup>th</sup> May 1925 Renewed to June 10<sup>th</sup> 1925  
Summoned and a copy of return and notice  
to plead left with the defendant  
(Morgan)  
Fees \$0.80 John E. Pote  
Sheriff

Renewal 9-1231203  
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No. 196 Aug R. D. 192 4

Baltimore City Court,

Pattie Ho boy Jr

Hand

~~Boyt~~

Joseph Hendrix

vs.

320 E. Lansale

WRIT OF SUMMONS

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

David Evans  
Attorney for Plaintiff

Filed day of 1925

FILED JUN 10 1925

4.

AUG 14 1924

RENEWED TO SEP R. D 1924

John E. Pote

John E. Pote

Sheriff

John E. Pote

John E. Pote

Sheriff

WRIT OF SUMMONS

STATE OF MARYLAND

BALTIMORE CITY, to wit.

To the Sheriff of Baltimore City, Greeting:

You are commanded to summon

Joseph Hendrix

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 Aug (inst) next, to answer an action at the

suit of

Rassie Mc Coy Jr. by his father and next friend Rassie Mc Coy Sr

and have you then and there this writ.

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

City, the 12 day of March 1924

Issued the 7 day of Aug in the year 1924

Georkey Lindsay Clerk.

BERKSHIRE HATHAWAY

U.S.A.

RASSIE MOODY, JR. by his  
father and next friend

RASSIE MOODY, SR. IN THE

VS.

JOSEPH HENDRIX BALTIMORE CITY COURT

M. Clerk:-

Please re-issue summons in the above case to be  
served on Joseph Hendrix at 820 E. Lombard St.

ATTORNEYS FOR PLAINTIFFS

*Recd May 25 1921*

~~557~~

1924

Booklet 55C folio 1203

RASSIE MCCOY, JR. by his  
father and next friend

RASSIE MCCOY, SR.

:

IN THE

VS.

:

JOSEPH HENDRIX

:

BALTIMORE CITY COURT.

Mr. Clerk:-

Please re-issue summons in the above case to be  
served on Joseph Hendrix at 320 E. Lanvale St.

*Davis Evans*

ATTORNEYS FOR PLAINTIFF.

*Booklet 118*

63 July

805  
57

FILED JUN 16 1925



Cassie McCoy, by  
his father & next  
friend,  
Cassie McCoy

vs.

Joseph Hendrix

In The Baltimore City Court

1203  
805  
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May Term 1925

The Defendant Joseph Hendrix  
by E. M. Atfield, his Attorney,

for Plea to the Plaintiff's Declaration and each Count thereof, says:

That he did not commit the wrongs alleged.

E. M. Atfield

Attorney for the Defendant

Set Judgment be entered as prayed.

<sup>x</sup> out of Bond

21<sup>st</sup> Sep. 1925

The above order is rescinded, <sup>this 3<sup>rd</sup> Oct. 1925 ✓</sup> it appearing that  
a plea was actually filed in the above entitled cause  
on June 10, 1925.

out of Bond

✓ *Rassie McCoy Jr. by  
his father & next friend  
Rassie McCoy Sr.  
Plaintiff*

vs.

*Joseph Hendrix*

Defendant

✓ *1203*  
*1924*      *(207/12)*

IN THE BALTIMORE CITY COURT.

No. \_\_\_\_\_ Return Day, 1925

The Plaintiff move for a Judgment by default for want of  
plea and ~~affidavit~~ of defense

*Davis T Evans*

Plaintiff's Attorney.

Filed *19<sup>th</sup> Sep.* 1925

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McCoy

<sup>no</sup>  
Hendrix

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Refats  
panel

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757.

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2d-3 Weeks September Term, 1925

(Beginning Monday, October 5th, 1925)

BALTIMORE CITY COURT

Rassie McCoy for an infant by  
his father and next friend Rassie McCoy Sr.

Joseph Hendrix

Jury Sworn Oct. 14th 1925.

1 Charles R. McGuinness Foreman.

~~JOHN HASLING, Real Estate, 2129 Chelsea Ter.~~

CHARLES R. McGUINNESS, Floor Mngr., Hutzler Bros. Co.,  
1013 Edmondson Ave.

2 AUGUST C. ROHLFING, Packer, American Whol. Corp.,  
430 Elsinor Ave., Govans.

3 GUSTAV F. LINCK, Engr., Riggs-Distler & Co., Inc.,  
3028 Harford Rd.

~~HUGH McCABE, Salesman, Halcomb & Hoke Mfg. Co.,  
1929 E. North Ave.~~

4 HENRY COHN, Bookkeeper, Loewy Drug Co., Inc.,  
4879 Reisterstown Rd.

5 WM. J. DAVIS, Retired, 1406 William.

6 WM. C. MILLER, Horseshoer, 5105 Milford Ave.

7 CHAS. R. McDONALD, Metermaker, Chas. H. Dickey,  
3124 Montebello Ave.

8 GEO. C. KIEL, Stock Clerk, Belair House Furnishing Co.,  
1841 N. Regester.

~~SAMUEL O. JACKSON, Mngr., United States & Supply Co.,  
1914 E. 30th.~~

~~RAYMOND B. MAXWELL, Registrar, LaSalle Extension  
University, 4506 Pk. Heights Ave.~~

~~CHRISTIAN M. SCHROEDER, Secy. & Treas., J. Henry Miller,  
Inc., 1018 E. 20th.~~

~~FRANK A. DEVERELL, Asst. Comptroller, B. & O. R. R.,  
305 Highfield, Guilford.~~

~~EDMUND W. MEDINGER, Reporter, R. G. Dun & Co.,  
5220 Florence Ave.~~

9 SAMUEL J. GUYTON, Clerk, Hecht Bros. & Co.,  
1039 W. Mulberry.

~~THOMAS A. BRADFIELD, Floor Mngr., O'Neill & Co.,  
2601 Keyworth Ave.~~

10 HARRY R. BUCK, Clerk, The Simpson & Doeller Co.,  
2946 Wyman Parkway.

~~WM. J. CALVERT, Salesman, 3012 Baker.~~

~~LLOYD A. MACDONALD, Claim Agent, B. & O. R. R.,  
2832 Presbury.~~

~~J. DAVID CORDLE, Secy. & Treas., Brotherhood of Railway  
Clerks, 2628 E. Hoffman.~~

~~CHARLES R. BEATCHLEY, Salesman, Goodyear Tire & Rubber  
Co., 1915 Longwood.~~

~~CHRISTOPHER F. WOOD, Sup't Elevators, B. & O. R. R.,  
4414 Meriwent Ave.~~

11 SAMUEL WEISS, Junk Dealer, 2543 Madison Ave.

14 JOHN J. HORGAN, Collector, Peabody Piano Co.,  
1312 W. Lexington.

Edward P. Jester

Auto Dealer, 3008 Abell Ave.

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M Coy

Hendrix

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ptto  
panel

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2d—3 Weeks September Term, 1925

(Beginning Monday, October 5th, 1925)

## BALTIMORE CITY COURT

Rossie McCoy, Jr. an infant by his father and next friend Rossie McCoy, Sr.

vs.

Joseph Hendrix

Jury Sworn Oct. 14th. 1925.

1 Charles R. McGuiness, Foreman.

~~JOHN HASLING, Real Estate, 2129 Chelsea Ter.~~

✓ CHARLES R. McGUINNESS, Floor Mngr., Hutzler Bros. Co.,  
1013 Edmondson Ave.

3 AUGUST C. ROHLFING, Packer, American Whol. Corp.,  
430 Elsinor Ave., Govans.

GUSTAV F. LINCK, Engr., Riggs-Distler & Co., Inc.,  
3028 Harford Rd.

~~HUGH McCABE, Salesman, Halcomb & Hoke Mfg. Co.,  
1929 E. North Ave.~~

4 HENRY COHN, Bookkeeper, Loewy Drug Co., Inc.,  
4879 Reisterstown Rd.

5 WM. J. DAVIS, Retired, 1406 William.

6 WM. C. MILLER, Horseshoer, 5105 Milford Ave.

7 CHAS. R. McDONALD, Metermaker, Chas. H. Dickey,  
3124 Montebello Ave.

8 GEO. C. KIEL, Stock Clerk, Belair House Furnishing Co.,  
1841 N. Regester.

SAMUEL O. JACKSON, Mngr., United States & Supply Co.,  
1914 E. 30th.

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University, 4506 Pk. Heights Ave.

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Inc., 1018 E. 20th.

~~FRANK A. DEVERELL, Asst. Comptroller, B. & O. R. R.,  
305 Highfield, Guilford.~~

~~EDMUND W. MEDINGER, Reporter, R. G. Dun & Co.,  
5220 Florence Ave.~~

9 SAMUEL J. GUYTON, Clerk, Hecht Bros. & Co.,  
1039 W. Mulberry.

~~THOMAS A. BRADFIELD, Floor Mngr., O'Neill & Co.,  
2601 Keyworth Ave.~~

10 HARRY R. BUCK, Clerk, The Simpson & Doeller Co.,  
2946 Wyman Parkway.

~~WM. J. CALVERT, Salesman, 3012 Baker.~~

~~LLOYD A. MACDONALD, Claim Agent, B. & O. R. R.,  
2832 Presbury.~~

~~J. DAVID CORDLE, Secy. & Treas., Brotherhood of Railway  
Clerks, 2628 E. Hoffman.~~

~~CHARLES R. BLATCHLEY, Salesman, Goodyear Tire & Rubber  
Co., 1915 Longwood.~~

~~CHRISTOPHER E. WOOD, Sup't Elevators, B. & O. R. R.,  
4414 Meriwent Ave.~~

11 SAMUEL WEISS, Junk Dealer, 2543 Madison Ave.

12 ✓ JOHN J. HORGAN, Collector, Peabody Piano Co.,  
1312 W. Lexington.

~~Edward P. Gester,~~

~~Auto Dealer, 3008 Abell Ave.~~

McLeay  
vs  
Hendrix



# In Baltimore City Court.

ROOM 134

Sept. Term, 1925

The Sheriff will please summon the following witnesses:

Returnable on Wednesday the 7<sup>th</sup> day of Oct  
1925, at 10 o'clock A. M.

*Handwritten:* 757 and 462

RASSIE MCCOY, SR.,

vs.

JOSEPH HENDRIX

.....

RASSIE MCCOY, JR.,

vs.

JOSEPH HENDRIX

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IN THE  
Baltimore City Court.  
BALTIMORE COURT  
COURT.

Mr. Clerk:

Please summons the following witnesses to testify for the defendant in the above entitled cases and make writs returnable before His Honor, Judge Duke Bond, on Wednesday, October 7th, at 10 A. M.

*Handwritten:* 10, 10, 76, 76  
Joseph Hendrix,  
320 W. Lanvale Street,  
Leo J. Love,  
320 W. Lanvale Street.

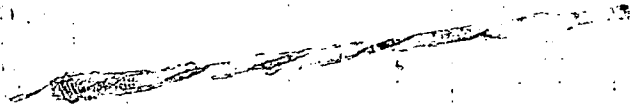
*Σ Melton Alford*  
*Stanley K. Harwa*  
ATTORNEYS FOR DEFENDANT



Mc Loy

vs

Hendrix



*[Faint, illegible text, possibly bleed-through from the reverse side of the page]*

# In Baltimore City Court.

ROOM 134

*September* Term, 1925

The Sheriff will please summon the following witnesses:

Returnable on *Monday* the *5<sup>th</sup>* day of *October* 1925, at 10 o'clock A. M.

RASSIE McCOY, JR. by his  
father and next friend  
RASSIE McCOY, SR.

*Joseph Hendrix*  
IN THE  
*Joe McCoy Lindsay*  
Clerk of Baltimore City Court.

VS.

JOSEPH HENDRIX

BALTIMORE CITY COURT.

Mr. Clerk:-

Please issue summons for the following persons and make the same returnable before Judge Duke Bond, Monday October, 5, 1925 at 10 A.M.

- 13* Rassie McCoy, Jr. *sd* ..... 729 N. Carey St.
- 13* Rassie McCoy, Sr. *sd* ..... 729 N. Carey St.
- 13* Mrs. McCoy ..... 729 N. Carey St.
- 10* Dr. J. C. Lumpkins *sd* ..... 818 Park Ave.,

*Davis Evans*  
ATTORNEYS FOR PLAINTIFF.

PLAINTIFF'S <sup>1<sup>st</sup></sup> PRAYER

The plaintiff prays the Court to instruct the jury that  
by "ordinary care" <sup>as used in the instructions of the Court,</sup> is understood that degree of caution, attention,  
activity and skill, which are habitually employed by, or may  
reasonably be expected from persons in the situation of the  
respective parties, under all the circumstances surrounding  
them at the time.

*Granted*

<sup>2<sup>nd</sup></sup>  
PLAINTIFF'S PRAYER

The plaintiff prays the Court to instruct the Jury that the degree of ordinary care and caution required of the said *infant* plaintiff, as stated in the plaintiff's first prayer, was such ordinary care and caution as ought, under the circumstances of this case, to be reasonably expected from one of the plaintiff's age and intelligence as testified to by the witness.

*Granted*

<sup>4<sup>th</sup></sup>  
PLAINTIFF'S BEST PRAYER.

The plaintiff prays the Court to instruct the Jury that pedestrians have the right of way over all vehicles, motor drawn or otherwise at street intersections.

*Granted*

5<sup>th</sup>  
5,11  
PLAINTIFF'S SECOND PRAYER

The plaintiff prays the Court to instruct the Jury that if it finds from the evidence that Rassie McCoy, Jr. was struck by an automobile operated by the defendant at the intersection of George and Brune Sts. on the 4th of June, 1924 and that such injury might have been avoided by the exercise of ordinary care and prudence on the part of the defendant, their verdict will be for the plaintiff, unless the jury further find that the infant plaintiff was guilty of negligence which directly contributed to the injury.

*granted as modified*

The Defendant prays the Court to instruct the jury that if they shall find that from the evidence that Rassis McCoy Jr. ran across George Street two doors from the intersection of George and Bruce Streets from the south side to the north side of the street and in so running ran directly in the pathway of the machine, <sup>driven by the defendant who was unable to stop the machine</sup> and thereby contributed to the accident, then their verdict must be for the defendant.

Granted

after he ran ~~the~~ in by the exercise of reasonable care could have seen that the child was in a position of danger.



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M<sup>o</sup> Coy

<sup>no</sup>  
Hendrix

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Granted  
prayers

DEFENDANT'S

*1st*

PRAYER.

The defendant prays the court to instruct the jury that there is no evidence in this case legally sufficient to entitle the plaintiff to recover, and the verdict must therefore be for the defendant.

*Rejected*

DEFENDANT'S 2<sup>d</sup> PRAYER.

The defendant prays the court to instruct the jury that the infant plaintiff was guilty of negligence which directly contributed to the happening of the accident, and their verdict must therefore be for the defendant.

*Rejected*

PLAINTIFF'S THIRD PRAYER.

The plaintiff prays the Court to instruct the Jury that unless they shall find that the injury complained of resulted from the want of such care and prudence on the part of the plaintiff as ought, under ~~the~~ <sup>the</sup> all circumstances, to have been reasonably expected from one of his age and intelligence, or for the want of ordinary care and prudence on the part of his parent, directly contributing to the accident, then their verdict must be for the plaintiff.

*Rejected*

PLAINTIFF'S 6<sup>th</sup> PRAYER

~~injury~~  
The plaintiff prays the Court to instruct the Jury that in order to defeat a recovery on the ground of contributory negligence on the plaintiff's part, the defendant must satisfy the jury by prepondering evidence of two facts: First, that the plaintiff was negligent; and second, that such negligence directly contributed to the injury.

~~that~~ Rejected

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directly contributed to the injury.

plaintiff was negligent; and second, that such negligence

the jury by preponderating evidence of two issues: first, that the

negligence on the plaintiff's part, the defendant must establish

that in order to defeat a recovery on the ground of contributory

The plaintiff prays the Court to grant the jury

McCoy

vs

Hendry

EXHIBIT

BY

Refused pay

~~Handwritten signature~~

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