

J. STEWARD DAVIS
GEORGE W. EVANS

40896

DAVIS & EVANS
ATTORNEYS AT LAW
215 SAINT PAUL PLACE
BALTIMORE

November 12, 1925

George Keiffner, Esq.,
Asst. City Solicitor,
Court House,
City.

Dear sir:-

Have heard nothing in the matter of your suggestion of settlement of the case of Elsie Tate Vs. City. Said case was passed two weeks for settlement Sept. 30, 1925 in Superior Court before Judge Frank. May I be advised of the City's pleasure?

Very truly yours,

DAVIS & EVANS

BY

J. Steward Davis

JSD:F.

IN THE SUPERIOR COURT OF
BALTIMORE CITY.

RUFUS TATE

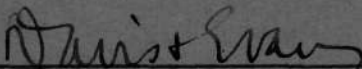
VS.

THE MAYOR AND CITY COUNCIL
OF BALTIMORE, a body cor-
porate,
HOWARD L. CRISE AND CORA
L. EVANS

R E L E A S E

Mr. Clerk:-

Please file.


ATTORNEYS FOR PLAINTIFF

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

KNOW ALL MEN BY THESE PRESENTS:

KNOW YE, That Rufus Tate has remised, released and forever discharged, and by these presents does for his heirs, executors and administrators, remise, release and forever discharge the said Mayor and City Council of Baltimore of and from all and every manner of action and actions, cause and causes of action, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties, covenants, contracts, controversies, agreements, premises, variances, trespasses, damages, judgments, extents, executions, claims and demands whatsoever, in law or in equity, which against said Mayor and City Council of Baltimore ever had, now have, or which he or his heirs, executors or administrators, hereafter can, shall or may have, for, upon, or by reason of my wife, Elsie Tate, having been injured Dec. 13, 1924 on the sidewalk of Oxford Street, Baltimore City or any cause or thing whatsoever from the beginning of the world to the day of the date of these presents.

IN WITNESS WHEREOF, he has hereunto set his hand and seal the 17th day of Nov. in the year one thousand, nine hundred and twenty five.

Signed, and Delivered in
the presence of



Rufus Tate

(SEAL)

IN THE SUPERIOR COURT OF
BALTIMORE CITY.

ELSIE TATE

VS.

THE MAYOR AND CITY COUNCIL
OF BALTIMORE, a body cor-
porate,
HOWARD L. CRISE AND CORA
L. EVANS

R E L E A S E

Mr. Clerk:-

Please file.

Steward Davis
ATTORNEYS FOR PLAINTIFF.

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

KNOW ALL MEN BY THESE PRESENTS:

THAT I, Elsie Tate, have remised, released and forever discharged, and by these presents do for my heirs, executors and administrators, remise, release and forever discharge the said Mayor and City Council of Baltimore of and from all and every manner of action and actions, cause and causes of action, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties, covenants, contracts, controversies, agreements, premises, variances, trespasses, damages, judgments, extents, executions, claims and demands whatsoever, in law or in equity, which against said Mayor and City Council of Baltimore ever had, now have, or which I, or my heirs, executors or administrators, hereafter can, shall or may have, for, upon, or by reason of my having been injured Dec. 13, 1924 on the sidewalk of Oxford Street, Baltimore City or any cause or thing whatsoever from the beginning of the world to the day of the date of these presents.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the 17 day of Nov., one thousand, nine hundred and twenty five.

Signed, Sealed and delivered
in the presence of



Elsie Tate (SEAL)

PHILIP B. PERLMAN,
CITY SOLICITOR
WIRT A. DUVALL, JR.,
DEPUTY CITY SOLICITOR.

Trial Division
ALLEN A. DAVIS (IN CHARGE)
GEORGE E. KIEFFNER
PAUL F. DUE
JOHN F. OYEMAN
W. HERDMAN SCHWATKA

Collections
JOHN J. MCCUSKER

Claims
WILLIAM B. HENKEL

City of Baltimore
Department of Law

217 COURT HOUSE
BALTIMORE, MD.

Special Assistants
EBEN J. D. CROSS
CHARLES C. WALLACE
Real Estate Division
ALFONSO VON WYSZECKI
FRANK DRISCOLL
ROBERT KANTER
Judgments and Taxes
SYDNEY R. TRAUB
STEPHEN J. McDONOUGH
WILLIAM LOVITT
W. WALLACE RHYNHART,
CLERK

File No. 40896

October 15th, 1925.

Mr. Philip B. Perlman,
City Solicitor.

In re: Elsie Tate vs. M. & C. C.,
et al.

Dear Sir:

The plaintiff in this case sustained a fall as the result of the defective condition of the sidewalk in front of the property 505 Oxford Street, on the night of December 13th last, and was caused to suffer a fractured limb.

Our investigation shows that the sidewalks of Nos. 503, 505 and 507 Oxford Street were in a very dilapidated and dangerous condition. As a matter of fact there were more bricks missing from the footway than those remaining. Pedestrians walking over the pavement and children playing in the dirt created holes and it was in one of these depressions that the plaintiff fell. The Highways Department admits that notice was served on the owner of the property on October 29th, 1924, to repave these sidewalks. In their report to this office they write as follows:-

"As the Highways Department served these notices on October 29th last, and must give owner twenty-one days according to law to meet the requirements, the period would extend to November 20th last. It was then and has been since too cold to lay cement and that is why these sidewalks have not been repaved by City up to present time.

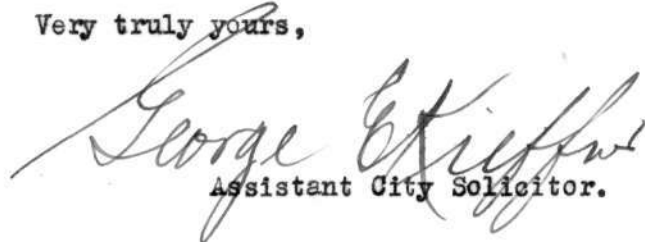
The demurrer filed on behalf of the owner of these properties, a co-defendant with the City in the suit, was sustained, with the result that the City was left the sole defendant in the case.

In addition to the bad condition of the sidewalk, I find that this street is very dark at night and the lighting facilities, being very poor, did not disclose these defects even to a careful or prudent pedestrian. There is no doubt that these conditions existed for a considerable length of time and altogether the facts are such that we deemed it wise to endeavor to effect a compromise in the suit.

Attorney J. Stewart Davis originally asked a settlement of \$1500.00 in this case. Subject to your approval, we have offered

him a compromise of \$200.00, with the understanding that the release be executed by both Mr. and Mrs. Tate in favor of the Mayor and City Council of Baltimore.

Very truly yours,

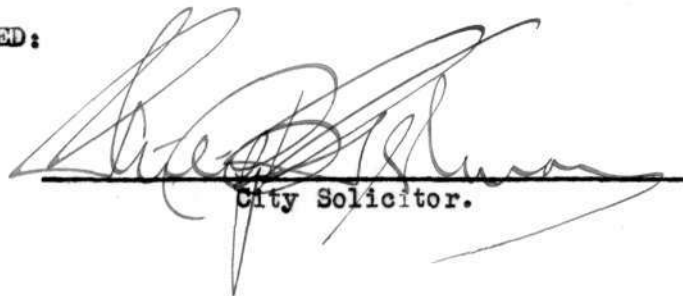

Assistant City Solicitor.

W.B.H.
R.R.S.

I concur in the above settlement.


Claim Adjuster.

APPROVED:


City Solicitor.

Lohoff opinion on

liability of property owner

on Fortney

CITY OF BALTIMORE
DEPARTMENT OF PUBLIC IMPROVEMENTS
SUB-DEPARTMENT
HIGHWAYS ENGINEER

BERNARD L. CROZIER
HIGHWAYS ENGINEER

January 9, 1925.

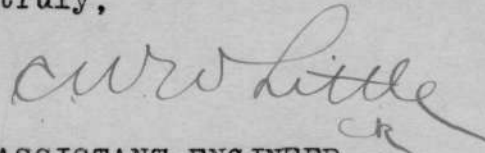
Mr. Wm. B. Henkel,
Claim Adjuster,
Law Dept.

Dear Sir:

In reply to yours of December 29th, last, concerning the claim of Mrs. Elsie Tate, 563 Oxford Street, for personal injuries sustained when she fell on the sidewalk in front of 505 Oxford Street, due to defective condition in the footway, on December 13th, last, I am enclosing herewith a report furnished by Mr. W. Chas. Mehrten, which covers the case.

If there is any further information desired, kindly advise.

Yours truly,



ASSISTANT ENGINEER,
For: Bernard L. Crozier,
Highways Engineer.

CWW:CR

Copy to Mr. B. L. Crozier.

January 9, 1925.

Mr. C. W. Whittle,
Asst. Engineer,
Highways Department.

Dear Sir:

Referring to Mr. Henkel's letter concerning claim of Mrs. Elsie Tate, 563 Oxford St., as a result of a fall December 13, 1924, on sidewalk in front of 505 Oxford St., beg to report as follows:

Mrs. Tate states that about 9 P.M. on December 13th, last, she had left the grocery store of Mr. Abel Goldstein, 501 Oxford St., (where she had just started to deal) with her husband and was preceding him going west on Oxford St., when in front of 505 her foot slipped, or caught or turned over a brick in this sidewalk, causing her to fall with head toward street. Her right limb doubled beneath her as she fell causing same to break several inches above ankle. Her husband carried her back into store of Mr. Goldstein and as she could not walk alone carried her home. A physician was summoned (name unknown to Mrs. Tate) and he dressed her limb and advised she go to hospital in morning. Her husband carried her, next day, to street car and thence to University Hospital at Lombard & Greene Sts. At the hospital it was found her right leg was broken, and it was set and she was carried back home. Her husband has taken her there four times since in a similar manner and must again take her Jan. 10. At present her leg is in a cast and she is unable to care for her household duties, having nine children, the youngest a baby, and husband who is a paperhanger, is out of work.

On Oct. 29, 1924, the Highways Dept. served notice on all property owners in the 500 block of Oxford St. to repave their sidewalks, some complied but the south side of this block which is owned principally by Howard L. Crise, Realtor, southwest corner Madison Ave. and Dolphin St., has not been touched. It is in deplorable condition, but Mr. Crise will not consider repaving according to ~~q~~ Mr. Abel Goldstein, 501 Oxford St.

Mr. Goldstein informed me he was the party who notified the Highways Dept. of the condition of these pavements, and after he had one so, Mr. Crise said to him, I would like to know who had the nerve to notify the City about these pavements. Mr. Goldstein, in presence of his wife, told him it was he. Well, he said it won't do you any good as I have too much pull up town, they won't make me pave them. When the notices were handed to Mr. Crise by the different tenants, Mr. & Mrs. Goldstein both claim they saw him tear them up and iterate his former statement about his pull. He is the owner of property tenanted by Mrs. Tate at 563 and the intervening houses between place of accident at 505.

Mrs. Tate claims she went toward #505 very seldom, always having gone west on Oxford St. toward Pennsylvania Ave., but ~~ix~~ has lived in this block eight years and says the sidewalks

Mr. Chas. W. Whittle.

#2.

1/9/25.

all along this block have been in bad condition for a long time, just how long she cannot say, but over a year at least. "As the Highways Dept. served these notices on October 29, last, and must give owner 21 days according to law to meet the requirements, the period would extend to November 20, last. It was then and has been since too cold to lay cement and that is why these sidewalks have not been repaved by City up to present time." As Mr. Crise has shown a public disregard for the notices served on him and having had ample time before freezing weather to replace these pavements, I consider him the direct cause for present condition of sidewalks.

Mr. Goldstein verifies Mrs. Tate's statement throughout even to detail of her having dealt with him for the first time the night of her accident.

This is a very dark street at night, the light being poor.

Yours truly,

A. C. Has White

GENERAL INVESTIGATOR.

CITY SOLICITOR'S OFFICE

January 13th, 1925.

Mr. Howard L. Crise,
S. W. Cor. Madison Ave. & Dolphin St.,
Baltimore, Md.

Dear Sir;

Will you kindly call at this office at
10.30 A.M., Thursday, January 15th, to take up with me the
matter of the alleged accident to Mrs. Alice Tate, which is
said to have occurred on the sidewalk in front of 505 Oxford
Street, on December 13th, 1924. I understand that you are
the owner of this property.

Very truly yours,

W.B.H.
R.R.S.

Claim Adjuster.



GEORGE G. HENRY
CHIEF INSPECTOR

POLICE DEPARTMENT

BALTIMORE, MARYLAND

OFFICE OF THE CHIEF INSPECTOR



JOHN J. SANTRY
CHARLES E. HURLEY
GEORGE E. LURZ
INSPECTORS

January 5, 1925.

Mr. Wm. B. Henkel,
Claim Adjuster,
Department of Law,
Court House, C i t y /

Dear Sir :

1. Following your request of December 29, I am attaching hereto report submitted by the Commanding Officer of the Northwestern District, in connection with accident to one Mrs. Elsie Tate, 563 Oxford Street, who claims she was injured in a fall on the sidewalk in front of 505 Oxford Street, on December 13 last.

Yours very truly,

George G. Henry,
Chief Inspector.

k-enc.

POLICE DEPARTMENT
CITY OF BALTIMORE

REPORT

Northwestern

DISTRICT Jan, 4, 1925

192

FROM: C.O. Northwestern District
TO: George G. Henry, Chief Inspector
SUBJECT: Accident - Mrs. Elsie Tate

Sergeant Edw. L. Hitzelberger reports relative to the alleged accident of Elsie Tate (c) age 25 years, 563 Oxford St, that about 8:45 P.M. December, 13, 1924 while she was walking on Oxford St, and when in front of 505 Oxford St, which property is owned by Harry L. Crise, S.W. Cor. Madison Ave, and Dolphin St, she fell on the footway, on the account of the condition of said footway, and broke her right leg between the ankle and knee. She was given 1st Aid by Dr. Thompkins, 1019 Druid Hill Ave, and later went to the University Hospital where the broken limb was set.

P.S. - The condition of this footway has been reported several times by Off. Chas. A. Leach, who also in conjunction with the reports had a representative of the Highways Engineers' Office to look after same about seven weeks ago.

Very respectfully

Lieut. Nicholas B. Gatch

Lieut. Nicholas B. Gatch
Acting Captain

REPORT

202

REPORT OF OFFICER

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REPORT

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J. FREDERICK HEMPEL, M. D.,
BUREAU OF SANITATION

C. HAMPSON JONES, M. D.,
COMMISSIONER AND REGISTRAR, V. S.

J. FREDERICK HEMPEL, M. D.,
ASSISTANT COMMISSIONER

REED GAITHER,
SECRETARY

HEALTH DEPARTMENT

April 27th, 1925.

Mr. Wm. B. Henkel,
Claim Adjuster,
217 Court House, City.

Dear Sir:-

Enclosed herewith please find the report of one of our Health Officers, Dr. J. G. McRae, who made an examination of Elsie Tate, 563 Oxford street, as requested in your communication of April 24th, 1925.

Trusting you will find this report satisfactory, we are,

Very truly yours,

J. Frederick Hempel.

Dr. J. Frederick Hempel,
Assistant Commissioner of Health.

JFH/vw.



J. FREDERICK HEMPEL, M. D.,
BUREAU OF SANITATION

C. HAMPSON JONES, M. D.,
COMMISSIONER AND REGISTRAR, V. S.

J. FREDERICK HEMPEL, M. D.,
ASSISTANT COMMISSIONER

REED GAITHER,
SECRETARY

HEALTH DEPARTMENT

April 27th, 1925.

Dr. J. Frederick Hempel,
Assistant Commissioner of Health.

Dear Dr. Hempel:-

Report of examination of Elsie Tate, 563 Oxford street, as per your request.

Examination of right leg shows a callous formation, lower third of tibia, no deformity, function not impaired except on extreme flexion of leg on thigh, at which time she complains of pain in region of knee-cap and tendons leading thereto. Treated primarily by Dr. Thompkins, Dec. 13th, at University Hospital, December 14th, and thereafter for 7 weeks, during which time she wore a cast. Functions apparently normal except when kneeling or for similar acts which require extreme flexion of knee on thigh.

Was told by Elsie Tate that she suffered a broken leg because of a fall on defective pavement in front of 505 Oxford street, on December 13th. This callous formation above referred to was noted at the point where she claims leg was broken and represents the healing process.

Respectfully submitted,

J. G. McRae, M. D.,
Health Officer, Dist. 2 -C.

vW.

DAVIS & EVANS

ATTORNEYS AT LAW
215 SAINT PAUL PLACE
BALTIMORE, MD.

April 8, 1925

William B. Henkel, Claim Adjuster,
City Solicitor's Office,
217 Court House,
City.

Dear sir:-

In answer to yours of the 6th instant we beg to advise you that Mrs. Elsie Tate was attended at the University Hospital. We would refer you to A. L. Lomas, M. D. Superintendent of said institution. Mrs. Tate's address is 563 Oxford Street.

Very truly yours,

DAVIS & EVANS

BY

J. Steward Davis

JSD:F.

DAVIS & EVANS
ATTORNEYS AT LAW
215 SAINT PAUL PLACE
BALTIMORE, MD.

Dec. 22, 1924

Hendrick

City Solicitor,
Court House,
City.

Dear sir:-

We have been retained by Mrs. Elsie Tate of 563 Oxford St., which Mrs. Tate was injured on the side walk in front of 505 Oxford St. Said accident occurred Dec. 13, 1924. The cause of accident was defective condition of sidewalk. First aid was administered her by Dr. Thompkins of 1019 Druid Hill Ave. She is now being treated at the University Hospital.

We will be pleased to arrange an appointment with you relative to settlement of our client's claim.

Very truly yours,

DAVIS & EVANS

BY *J. Steward Davis*

JSD:HCF.

CITY SOLICITOR'S OFFICE

April 24th, 1925.

Dr. J. Fred. Hempel,
Assistant Commissioner of Health.

Dear Sir:

Kindly arrange to have one of your assistants call upon Mrs. Essie Tate, 563 Oxford Street, for a physical examination to ascertain the extent of personal injuries which she is alleging she received on December 13th, 1924, in a fall on the sidewalk in front of 505 Oxford Street. Suit has been instituted against the Mayor and City Council of Baltimore and the owner of the property as a result of this alleged accident.

Very truly yours,

W.B.H.
R.R.S.

Claim Adjuster.

CITY SOLICITOR'S OFFICE

April 6th, 1925.

Messrs. Davis & Evans,
215 St. Paul St.,
Baltimore, Md.

Gentlemen:

We would like to have a physical examination made of your client, Elsie Tate, and would appreciate you supplying us with her address and the name of the attending physician.

Upon the receipt of this information we will request our doctor to get into communication with your client's physician and arrange for this examination.

Very truly yours,

W.B.H.
R.R.S.

Claim Adjuster.

CITY SOLICITOR'S OFFICE

March 11th, 1925.

Messrs. Davis & Evans,
215 St. Paul Place,
Baltimore, Maryland.

Gentlemen:-

I am enclosing herewith copies
of pleas which I have today filed in the cases of
Elsie Tate and Rufus Tate vs. the Mayor and City
Council of Baltimore et al.

Very truly yours,

Assistant City Solicitor.

GEK-Q

DEPARTMENT OF LAW

COURT HOUSE

BALTIMORE, MD.

RE: Rufus Tate vs. The Mayor and
City Council of Baltimore et al.
and Elsie Tate vs. The Mayor
and City Council of Baltimore
et al.

George E. Kieffner, Esq.,
Assistant City Solicitor.

Dear Sir:-

Writ has just been served upon the City in
the above entitled case.

Kindly take charge of the same and see that
the proper defences are seasonably interposed on behalf
of the City.

Very truly yours,

ALLEN A DAVIS,

Asst. City Solicitor.

40896

(WRIT OF SUMMONS)

STATE OF MARYLAND,

BALTIMORE CITY, to wit:

TO THE SHERIFF OF BALTIMORE CITY, GREETING:

You are hereby commanded to summon.....

The Mayor & City Council of Baltimore and

Howard L. Crise and Cora L. Evans

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 **March inst** ~~next~~, to answer an action at the suit of **Elsie Tate**

and have you then and there this writ.

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

the **12th** day of **Jan** 192 **5**

Issued **5th** day of **March** 192 **5**

Stephen G. Little
.....Clerk.



You have been summoned to appear in Court on the Second Monday of March 1925 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.

No. 277 263/1925 Su. Ct.

Elsie Tate

vs.

Mayor & City Council et al

Writ of Summons
and copy

3 Copy of Nar, and Notice to Plead Within
to be served on Defendant.

Davis & Evans

Attorney.

Filed day of 192

(WRIT OF SUMMONS)

40896



STATE OF MARYLAND,

BALTIMORE CITY, to wit:

To THE SHERIFF OF BALTIMORE CITY, GREETING:

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The Mayor & City Council of Baltimore and.....

Howard L. Crise and Cora L. ~~Crise~~ Evans.....

.....
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 March inst.....~~next~~ to answer an action at the suit of..... Rufus Tate.....
.....
.....

and have you then and there this writ.

Witness, the Honorable JAMES P. GORTER, Chief Judge of the Supreme Bench of Baltimore City, the..... 12th day of..... Jan..... 1925

Issued..... 5th day of..... March..... 1925

.....
Stephen Crise
..... Clerk.

You have been summoned to appear in Court on the Second Monday of March.....1925 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.

No 278.....263/1925 Su. Ct.

Rufus Tate.....

.....

.....

vs.

Mayor & City Council et al.....

.....

.....

Writ of Summons
and copy

*3*Copy of Nar, and Notice to Plead Within
to be served on Defendant.

Davis & Evans.....

Attorney.

Filed day of 192

PHILIP B. PERLMAN
CITY SOLICITOR.
WIRT A. DUVALL, JR.
DEPUTY CITY SOLICITOR
FRANK DRISCOLL,
W. HERDMAN SCHWATKA
EBEN J. D. CROSS, JR.
ALLEN A. DAVIS
ALLAN CLEVELAND,
ASSISTANT CITY SOLICITORS

Department of Law

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

CHAS. C. WALLACE,
GEORGE E. KIEFFNER,
ALFONSO VON WYSZECKI,
SYDNEY R. TRAUB
JOHN J. MCCUSKER,
STEPHEN J. McDONOUGH
ROBERT KANTER
ASSISTANT CITY SOLICITORS
WM. B. HENKEL,
CLAIM ADJUSTER

IN REPLY REFER TO FILE NO. _____

40896

December 24, 1924.

Mr. Wm. B. Henkel,
Ass't City Solicitor.

Dear Mr. Henkel:

I enclose herewith letter from
Messrs. Davis & Evans, in regard to the claim of Mrs.
Elsie Tate.

Will you please look into this
matter.

Very truly yours,

PHILIP B. PERLMAN,

City Solicitor.

P/H
Encl.

CITY SOLICITOR'S OFFICE

December 29th, 1924

Messrs. Davis & Evans,
215 St. Paul St.,
Baltimore, Md.

Dear Sir:

Your letter of December 22nd, addressed to the City Solicitor, making claim against the Mayor and City Council of Baltimore on behalf of Mrs. Elsie Tate, has been handed to me for attention and final disposition.

This matter is being investigated and upon the completion of the same, I shall advise you as to my findings.

Very truly yours,

W.B.H.
R.R.S.

Claim Adjuster.

CITY SOLICITOR'S OFFICE

December 29th, 1924.

Mr. George G. Henry,
Chief Inspector,
Police Department.

Dear Sir:

On December 13th, 1924, Mrs. Elsie Tate, 563 Oxford Street, claims, through her attorney, that she was injured in a fall on the sidewalk in front of 505 Oxford Street, due to the defective condition of the footway.

Will you kindly furnish me with a copy of the police report of this alleged accident, together with the names and addresses of any witnesses.

Very truly yours,

W.B.H.
R.R.S.

Claim Adjuster.

CITY SOLICITOR'S OFFICE

December 29th, 1924.

Mr. Bernard L. Crozier,
Highways Engineer.

Dear Sir:

On December 13th, 1924, Mrs. Elsie Tate, 563 Oxford Street, claims, through her attorney, that she was injured in a fall on the sidewalk in front of 505 Oxford Street, due to the defective condition in the footway. It is stated that Mrs. Tate was first attended by Dr. Thompkins, 1019 Druid Hill Avenue, and that she is now being treated at the University Hospital.

I would like to be advised as to whether or not your department had any knowledge as to the alleged defective condition of the sidewalk and I should also like to be furnished with any additional information which you might have in the matter, together with statements, names and addresses of any witnesses.

Very truly yours,

W.B.H.
R.R.S.

Claim Adjuster.

CITY SOLICITOR'S OFFICE

January 19th, 1925.

Messrs. Davis & Evans,
215 St. Paul St.,
Baltimore, Md.

Gentlemen:

If convenient, will you kindly call at this
office at 10.30 Wednesday, January 21st, relative to the matter
of the claim of your client, Miss Elsie Tate.

Very truly yours,

W.B.H.
R.R.S.

Claim Adjuster.

Did not keep appointment

59.70

Dec. 1-24 to Jan. 20-25

CITY SOLICITOR'S OFFICE

January 26th, 1925.

Mr. Howard L. Crise,
S. W. Cor. Madison Ave. & Dolphin St.,
Baltimore, Md.

Dear Sir:

If convenient, I wish you would call at this office at
10.30 A.M. Wednesday, January 28th, to further discuss with me the claim of
Mrs. Elsie Tate.

Very truly yours,

W.B.H.
R.R.S.

Claim Adjuster.

Offered \$150⁰⁰
contribution to be made by
owner of property.
Refused offer.
W. B. H.

RUFUS TATE

:

IN THE SUPERIOR COURT

VS.

THE MAYOR AND CITY COUNCIL :
OF BALTIMORE, a body cor-
porate,
HOWARD L. CRISE and
CORA L. EVANS :

OF

BALTIMORE CITY.

Rufus Tate by his attorneys, Davis and Evans, sues the Mayor and City Council of Baltimore City, a body corporate, Howard L. Crise and Cora L. Evans.

I. For that at the time of the grievance hereinafter mentioned, the Mayor and City Council of Baltimore City, a body corporate was in duty bound to so maintain the public highways of Baltimore City so that they would not become dangerous to persons, who were lawfully using the same; that the other defendants were the owners of certain premises known as No. 503,505 and 507 Oxford street in the City of Baltimore, State of Maryland; that the defendants negligently, illegally and wrongfully permitted the sidewalk before the aforementioned premises to remain in such a dilapidated and torn up condition that the said sidewalk was dangerous to pedestrians lawfully and carefully walking upon the said sidewalk. That the said sidewalk, before the aforementioned premises is a part of Oxford street, a public highway of the City of Baltimore. That on or about the 13th day of December, 1924 the plaintiff's wife, Elsie Tate, while passing along said sidewalk and using due care and diligence on her part, fell into a depression in said sidewalk causing her to fracture one of her limbs and to otherwise become seriously injured about the head, body and limbs.

That as a result of said accident, the plaintiff was deprived of and lost the services and society of his wife, the

said Elsie Tate for a long time, to wit: from thence, hitherto ; during all of which time the plaintiff was forced to and did spend divers sums of money in an effort to cure his wife, the said Elsie Tate, of her hurts and wounds occasioned as aforesaid.

And the plaintiff says that the injuries of Elsie Tate and the plaintiff's damages suffered therefrom were caused by reason of the negligence, carelessness and want of due care on the part of the defendants and not through any negligence on the part of the plaintiff or Elsie Tate contributing directly thereto.

WHEREFORE the plaintiff claims \$5000.00 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 DEFENDANTS:

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

Davis & Evans

ATTORNEYS FOR PLAINTIFF.

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Messages + City Council
278
263
1973

Supra - C. P. Files

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CITY SOLICITOR'S OFFICE

RUFUS TATE, :
 : IN THE SUPERIOR COURT
 :
 VE. :
 : OF
 THE MAYOR AND CITY COUNCIL :
 OF BALTIMORE, a body corporate, : BALTIMORE CITY.
 HOWARD L. CRISE and
 CORA L. EVANS. :

.. . . .

Now comes the Mayor and City Council of
Baltimore, a body corporate, one of the above named defendants, by
City Solicitor Philip B. Perlman, its attorney, and for a plea to
the plaintiff's declaration filed herein against it says:

That it did not commit the wrongs alleged.

City Solicitor, Attorney for Mayor
and City Council of Baltimore.

ELSIE TATE

:

IN THE SUPERIOR COURT

VS.

THE MAYOR AND CITY COUNCIL :
OF BALTIMORE, a body cor-
porate,
HOWARD L. CRISE AND
CORA L. EVANS

OF

:

BALTIMORE CITY.

Elsie Tate, by her attorneys, Davis and Evans sues the Mayor and City Council of Baltimore, a body corporate, Howard L. Crise and Cora L. Evans.

I. For that at the time of the grievance hereinafter mentioned, the Mayor and City Council of Baltimore, a body corporate was in duty bound to so maintain the public highways of Baltimore City so that they would not become dangerous to persons who were lawfully using the same; that the other defendants were the owners of certain premises known as nos. 503, 505 and 507 Oxford street in the City of Baltimore, State of Maryland; that the defendants negligently, illegally and wrongfully permitted the sidewalk before the aforementioned premises, to remain in such a dilapidated and torn up condition that the said sidewalk was dangerous to pedestrians lawfully and carefully walking upon the said sidewalk. That the said sidewalk before the aforementioned premises is a part of Oxford street, a public highway of the City of Baltimore. That on or about the 13th day of December, 1924 the plaintiff, while passing along said sidewalk and using due care and diligence on her part, fell into a depression in said sidewalk causing her to fracture one of her limbs and to otherwise become seriously injured about the head, body and limbs.

That as a result of said accident the plaintiff was

required to expend great sums of money for medical attention, nursing and was kept from engaging in her usual duties for a long time and was otherwise damaged; and she claims therefore, ten thousand (\$10,000) dollars damages.

ATTORNEYS FOR PLAINTIFF.

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

ATTORNEYS FOR PLAINTIFF.

TO THE DEFENDANTS: TAKE NOTICE:

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

ATTORNEYS FOR PLAINTIFF.

277

263/24

Mary's City Council

JUNE COPY

Stephen G. Hill

CLIPK

CITY SOLICITOR'S OFFICE

ELSIE TATE,

VS.

THE MAYOR AND CITY COUNCIL
OF BALTIMORE, a body corporate,
HOWARD L. CRISE and
CORA L. EVANS.

:

IN THE

SUPERIOR COURT

:

OF

BALTIMORE CITY.

:

.....

COPY

Now comes the Mayor and City Council of Baltimore,
a body corporate, one of the above named defendants, by City Solicitor
Philip B. Perlman, its attorney, and for a plea to the plaintiff's
declaration filed herein against it, says:

That it did not commit the wrongs alleged.

City Solicitor, Attorney for
Mayor and City Council of Baltimore.