

IN THE COURT OF COMMON PLEAS

OF

BALTIMORE CITY

ALICE PROCTOR, mother and  
next friend of BERTHA  
PROCTOR, infant

VS.

RUSSELL

*Buffy*

*2609 Belair Road*

DECLARATION.

Mr. Clerk:-

Please file.

ATTORNEYS FOR PLAINTIFF.

*Davis Townsend*

**DAVIS & EVANS**

ATTORNEY AT LAW  
215 SAINT PAUL PLACE  
BALTIMORE, MD.

JUL 1 6 1925 FILED

BAUMGARTEN & CO., INC.

*10/10/25*

*3/17/26*

*3/17/26*

ALICE PROCTOR, mother and  
next friend of  
BERTHA PROCTOR, infant

: IN THE COURT OF COMMON PLEAS

VS.

:

OF

RUSSELL BRUSS

:

BALTIMORE CITY.

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

*Davis T. 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  
thirty days.

*Davis T. Evans*

ATTORNEYS FOR PLAINTIFF.

ALICE PROCTOR, mother and  
next friend of  
BERTHA PROCTOR, infant

:

IN THE COURT OF COMMON PLEAS

VS.

:

OF

RUSSELL BRUSS

*Bruff*

:

BALTIMORE CITY.

Alice Proctor, mother and next friend of Bertha Proctor, infant, plaintiff by Davis and Evans her attorneys, sues Russell Bruss, defendant.

For that heretofore to wit: on or about the 10th day of June, 1925 while Bertha Proctor, infant was lawfully crossing a public highway of Baltimore City at or near to the corner of Dolphin and Division streets, she was run into by an automobile operated by the defendant and as a result thereof she was seriously and permanently injured about the head, limbs and body and was caused to and did suffer great physical pain and mental anguish and was for a long time prevented from performing her usual occupation.

And the plaintiff says that all of the aforesaid injuries and damages of the said Bertha Proctor, infant, were caused by the carelessness and want of due care on the part of the defendant and that Bertha Proctor, infant, in no wise contributed thereto.

WHEREFORE the plaintiff claims \$5,000.00 damages.

*Davis & Evans*  
ATTORNEYS FOR PLAINTIFF.

P-569  
333  
25

No. 86

To: August R. D. 1925  
Miss Annetta etc

Brook Farm  
vs.

2609 Belair Rd

WRIT OF SUMMONS

copy  
Action, copy of Nar, and notice to plead

to be served on Defendant.

Frank (Carroll)  
Attorney.

Filed No. day of Aug 1925

20

summoned and a copy of her said  
notice to plead left with the respondent  
(husband)  
Robert John E. Pette  
Sheriff

[WRIT OF SUMMONS]

# STATE OF MARYLAND

BALTIMORE CITY, *to wit:*

To the Sheriff of Baltimore City, Greeting:

You are hereby commanded to summon *SP 8/15/25/20*

*Russell Bruss*

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 *August* next, to answer an action at the suit of

*Alice Proctor mother and next friend  
of Bertha Proctor Infant*

and have you then and there this writ:

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

the *1/6<sup>th</sup>* day of *May* 19 *25*

ISSUED *1/6<sup>th</sup>* day of *July* 19 *25*

*James Y. Claypool* Clerk.

IN THE  
COURT OF COMMON PLEAS

ALICE PROCTOR, mother and next  
friend of BERTHA PROCTOR, infant

VS

RUSSELL BRUFF

P L E A

Mr. Clerk:

Please file, etc.

Niles Wolff, Barton & Morrow  
Attorneys for Defendant.

Service of copy admitted this 12<sup>th</sup>  
day of August, 1925.

David V. Bennett  
Attorneys for Plaintiff.

AUG 19 1925  
NILES, WOLFF, BARTON & MORROW  
ATTORNEYS AT LAW  
BALTIMORE, MD.

ALICE PROCTOR, mother and :  
next friend of :  
BERTHA PROCTOR, infant : IN THE  
VS :  
: COURT OF COMMON PLEAS  
RUSSELL BRUFF :  
oOo

Russell Bruff, (mentioned in this action as Russell  
Bruss), the defendant in this cause, by Niles, Wolff, Barton  
and Morrow, his attorneys, for a plea to the declaration here-  
tofore filed herein, says:

That he did not commit the wrong alleged.

Niles, Wolff, Barton & Morrow

Attorneys for Defendant.

IN THE  
COURT OF COMMON PLEAS

ALICE PROCTOR, mother and  
next friend of  
BERTHA PROCTOR, infant

VS

RUSSELL BRUFF

ORDER FOR SUBPOENA

Mr. Clerk:

Please issue.

*Wiles Wolff, Barton & Morrow*  
Attorneys for Defendant.

NILES, WOLFF, BARTON & MORROW  
ATTORNEYS AT LAW  
BALTIMORE, MD.





IN THE COURT OF COMMON PLEAS

*James O'Connell* 1926

TO THE SHERIFF OF BALTIMORE CITY:

SUMMON

To Testify for

*Proctor vs Bruff*

returnable

*Monday March 1st 1926 at 10 A.M.*

Issued

*3/27* 1926

*James O'Connell*

Clerk.

no 332-333

ALICE PROCTOR, mother and  
next friend of  
BERTHA PROCTOR, infant

:

IN THE

VS.

RUSSELL BRUFF

:

COURT OF COMMON PLEAS

Mr. Clerk:-

Please issue summons for the following to appear in  
the Court of Common Pleas Monday, March 1, 1926 at 10 A.M.

- 11 Calvert Williams *Mc*.....1725 McCulloh St.,
- 10 James Monroe.....524 Dolphin St.,
- 18 Charles W. Belchner *ph*.....2017 Ridgwood Ave.,
- 13 Dr. Walter J. Jackson *sk*.....1314 Harlem Ave.,
- 10 Alice Proctor.....721 W. Lanvale St.

*Davist Evans*  
ATTORNEYS FOR PLAINTIFF.

IN THE COURT OF COMMON PLEAS

*January* 1926

TO THE SHERIFF OF BALTIMORE CITY:

SUMMON

To Testify for *Bruff Ats Proctor Etal.*

returnable *Monday, March 1<sup>st</sup> 1926 at 10 A.M.*

Issued *February 27* 1926

*James J. Claypoole* Clerk.

IN THE COURT OF COMMON PLEAS

*Jimmy Term* 1926

TO THE SHERIFF OF BALTIMORE CITY:

SUMMON

To Testify for

*Naylor ats Cooley*

returnable

*Monday March 1st 1926 at 10 a.m.*

Issued

*2/27 1926*

*James Y. Claypool*

Clerk.

HARRY L. COOLEY

:

IN THE

vs.

:

COURT OF COMMON PLEAS

:

OF

DR. HARRY NAYLOR

:

BALTIMORE CITY

MR. CLERK:

Please issue summons for the following named witnesses to appear and testify on behalf of the defendant and make the same returnable at 10:00 A.M. on the <sup>1st</sup> day of <sup>March</sup> ~~November~~, 1926.

<sup>SW</sup>  
4 Dr. J. W. Pierson - 1107 St. Paul Street.

11 Dr. Robert Bay <sup>M</sup> - Walbert Apts., Charles St. & Lafayette Ave.

9 Dr. Turner A. Moncure - - 322 N. Charles St.

9 ~~8~~ Dr. T. O. Heatwole <sup>sd</sup> - Dental Dept., University of Maryland - Lombard & Green Sts.

10 Dr. A. Y. Russell <sup>OD</sup> - 520 N. Charles St.

4 Dr. Aubrey T. Mussen <sup>W-est</sup> - 1014 - St. Paul St.

19 Dr. Leonard Richardson <sup>nc</sup> - 112 W. 25th St.

19 Dr. Harry Smith <sup>sp</sup> - 3429 Chestnut Avenue

Miss Hoy <sup>OD</sup> Supt. Balto Eye Ear & Throat Hospital.

10 1214 Cutler Place Decree tecum of records

*Robert D. Baum*  
\_\_\_\_\_  
Attorney for Defendant.

IN THE COURT OF COMMON PLEAS

*Jerry Tom* 1926

TO THE SHERIFF OF BALTIMORE CITY:

SUMMON

To Testify for

*Naylor at Carley*

returnable

*Monday March 1st 1926 at 10 A.M.*

Issued

*227* 1926

*Jerry Tom*

Clerk.

HARRY L. COOLEY

:

IN THE

vs.

:

COURT OF COMMON PLEAS

DR. HARRY NAYLOR

:

---

MR. CLERK:

Please issue summons for the following named witnesses to appear and testify on behalf of the defendant in the above entitled case and make the same returnable at ten o'clock A.M. on Monday, March 1st, 1926.

*sd*  
4 Dr. J. W. Pierson  
1107 St. Paul Street

9 Dr. Conrad Inman *sd*  
Fidelity Building

11 Dr. Nathan Winslow  
1900 Mt. Royal Terrace

9 Dr. Raymond Hughes *sd*  
Professional Building

*Robert D. Bantam*  
Attorney for the Defendant.



342

Frank

or

Rosser

Page 45

IN THE COURT OF COMMON PLEAS

TO THE SHERIFF OF BALTIMORE CITY:

*Jerry Linn* 1926

SUMMON

To Testify for *Passer at Branch*

returnable *Monday March 1st 1926 at 10 a.m.*

Issued

*Feb* 1926

*Jerry Linn*

Clerk.

# SUMMONS FOR WITNESSES

Howard L. Franck  
trading as Maryland  
Roofing Company

vs.

Nancy E. Rosser  
wife.

Court of Common Pleas

TERM, 192

No. 342

TRIALS

JAMES Y. CLAYPOOLE, CLERK:

Please issue Summons for the following Witnesses:

17 Plaintiff, Howard L. Franck, 2511  
Harlem Avenue, to bring Ledger,  
Journal, and any other books and  
records pertaining to subject  
matter of above suit.

to testify for the

returnable Monday the first day of March

1926, at 10 o'clock A. M.

Louis Mayerhoff  
Attorney for defendant

IN THE

COURT OF COMMON PLEAS

OF

BALTIMORE CITY.

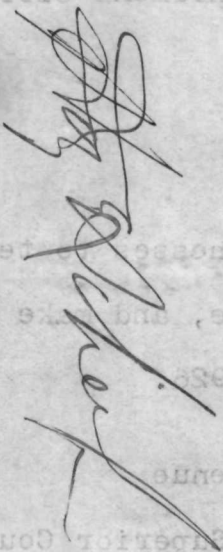
HOWARD L. FRANCK, trading as  
The Maryland Roofing Co.

vs.

HARRY E. ROSSER and MINNIE  
NOBLE ROSSER, his wife.

ORDER FOR WITNESSES.

Mr. Clerk: Please file.



Attorney for Plaintiff.

HOWARD L. FRANCK, trading as  
The Maryland Roofing Company

vs.

HARRY E. ROSSER and MINNIE  
NOBLE ROSSER, his wife.

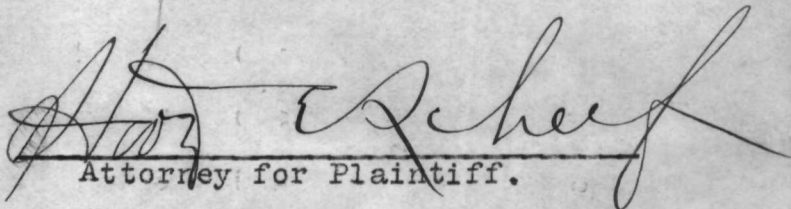
IN THE  
COURT OF COMMON PLEAS  
OF  
BALTIMORE CITY.

342

Mr. Clerk:

Kindly summons the following witnesses to testify  
for the Plaintiff in the above entitled case, and make same  
returnable on the 12th day of March, 1926.

- 17  
3
- Howard L. Franck, 2511 Harlem Avenue  
Stephen C. Little, Clerk of the Superior Court,  
duces tecum, to bring into Court ~~in~~ the Land  
Records No. 4341, folio 113.

  
Attorney for Plaintiff.

IN THE COURT OF COMMON PLEAS

*J. Edgar Hoover* 1926

TO THE SHERIFF OF BALTIMORE CITY:

SUMMON

*2*

To Testify for  
*Clarence W. Casper*

returnable *Monday 1st March 1916 at 10 a.m.*

Issued *2/26* 1926

*J. Edgar Hoover*

(Beginning Monday, February 22, 1926)

H. ARTHUR STUMP, Judge.

Docket..... 1925

Page..... 333

# Court of Common Pleas

*Alice Proctor mother of Bertha Proctor, also Alice Proctor for last service*

*Russell Druff*

Jury Sworn *Monday Nov 15<sup>th</sup>* 1926.

*Thomas E. Lee* Foreman.

~~THOMAS E. LEE, Salesman, W. T. Lyons, 3039 Walbrook Ave.~~

~~ROBERT J. THOME, Ins., Lee B. Hartman & Co., South side Homeland Ave.~~

~~HERMAN P. LASKIE, Accountant, 537 N. Washington.~~

~~J. ROLAND DEVRIES, Electrical Engr., Un. Ry. & Elec. Co., Garden Apts., 40th.~~

~~OSCAR N. HOFMAN, Asst. Supt., The Hub, 2040 Brookfield Ave.~~

~~AUGUST B. CROMER, Engr., Carnegie Steel Co., 2726 N. Calvert.~~

~~DELANCEY B. YOUNG, Buyer, Gilbert Bros. & Co., Inc., 3217 Mondawmin Ave.~~

~~CLARENCE L. GUNST, Mnfr., Lake Drive Apts.~~

~~A. WM. ZIMMERMAN, Hardware, 6704 Bellona Av., Govans.~~

~~PATRICK BEERE, Yard Supt., James Lumber Co., 209 S. Collington Ave.~~

~~WM. R. NICHOLS, Retired, 522 E. 20th.~~

~~HARRY B. COOK, Mnfrs. Agt., 2935 Guilford Ave.~~

~~FRANK MACEY, Builder, 5001 Tioga Ave.~~

~~WM. C. FLOYD, Tire Dealer, 2401 Guilford Ave.~~

~~CHAS. H. TAYLOR, Custodian, Public Athletic League, 202 S. Catherine.~~

~~CHAS. P. MUENDELEN, Dry Goods, 1603 N. Wolfe.~~

~~JOHN F. C. BENDT, Hardware & Paints, 2711 Belair Rd.~~

~~ROBERT F. WELSH, Hay & Grain Dealer, 115 W. Hamburg.~~

~~GEO. J. WAHL, Produce, 2709 Belair Rd.~~

~~J. H. ALEX. BACHMANN, Asst. Gen'l Mngr., Federal Transfer Co., 734 N. Linnard Ave.~~

~~WM. S. FORD, Painter, Howe Bros., 5303 Milford Ave.~~

~~LOUIS HUETHER, Baker, 121 N. Lakewood Ave.~~

~~ISIDOR C. BERNSTEIN, Electrical Contractor, 1752 Homestead.~~

~~JOHN C. CARROLL, Salesman, 608 N. Pulaski.~~

~~WM. E. SCHUFFLER, Mngr. & Buyer, S. J. Adler & Son, 1012 Bennett Pl.~~

~~ABRAHAM WHITEHILL, Haberdasher, 1137 W. Baltimore.~~

~~FRANK B. CONWAY, Merchant, 3933 Edmondson Ave.~~

~~MARTIN J. MORAN, Poultry, 1516 Cliftview Ave.~~

~~ALFRED C. LEACH, Architect, 3201 N. Calvert.~~

~~DANIEL STUMPNER, No Occupation, 1916 W. Saratoga.~~

~~FRED K. W. OEHM, JR., Sec'y & Auditor, Pearl St. Perpetual Bldg. & Savgs. Asso., 2155 Chelsea Ter.~~

~~BASIL R. MULLINEAUX, Salesman, Edward E. Mullineaux, 425 N. Monroe.~~

~~JOHN REIDER, Clerk, Wm. Koch Importing Co., 2232 E. Madison.~~

~~ANDREW J. SAUER, Secy. Treas., Joyner Witz Co., 4806 Reisterstown Rd.~~

~~CHAS. J. SELANDER, Photographer, 1934 McElderry.~~

~~JOSEPH NEUBERGER, Shoe Cutter, P. J. Monaghan Co., 1530 N. Washington.~~

~~ARTHUR R. M. JELLAN, FR., Mnfrs. Agt., Hopkins Apts.~~

~~G. WILSON GROOM, Clerk, Sovereign Grand Lodge, I. O. O. F., 718 McCabe Ave.~~

~~CHAS. W. BAGGOTT, Mnfrs. Wire Work, 1709 Rosedale.~~

~~JOHN E. KINNAMON, Hardware & Paints, 2241 E. Preston.~~

~~WM. P. DAWSON, Plumber, Wm. P. Dawson & Co., 3723 Boarman Ave.~~

~~ALBERT H. SHEFFER, Mngr., Chas. J. Taylor & Co., 1810 Ruxton Ave.~~

~~RICHARD E. CHEW, Ice Cream, 636 N. Gilmore.~~

~~DAVID CUTLER, Foreman, Columbia Paper Bag Co., 915 Whitelock.~~

~~GEORGE H. AULT, Merchant, 715 E. 20th.~~

~~WM. J. HOOVER, Buyer, Allen Son & Co., 126 N. Linwood Ave.~~

~~SOLOMON GREENEBAUM, Salesman, Hecht's Rel. Stores, 1048 N. Broadway.~~

~~WM. O. SPICKNALL, Builder, 930 W. Franklin.~~

~~WM. S. MARTIN, Trunkmaker, John L. Prugel, 210 S. Gilmore.~~

~~H. A. JONES, None, 1709 Edmondson Ave.~~

# Court of Common Pleas

*Alice Proctor Mather*  
*Self*

*Russell Bruff*

Jury Sworn *Monday Mch 1st* 1926

*Thomas E. Lee* Foreman.

- THOMAS E. LEE, Salesman, W. T. Lyons, 3039 Walbrook Ave.
- ROBERT J. THOME, Ins., Lee E. Hartman & Co., South side Homeland Ave.
- HERMAN P. LASKE, Accountant, 537 N. Washington.
- J. ROLAND DEVRIES, Electrical Engr., Un. Ry. & Elec. Co., Garden Apts., 40th.
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- ISIDOR C. BERNSTEIN, Electrical Contractor, 1752 Homestead.
- JOHN C. CARROLL, Salesman, 608 N. Pulaski.
- WM. L. SCHUFFLER, Mngr. & Buyer, S. J. Adler & Son, 1012 Bennett Pl.
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- FRED'K W. OEHM, JR., Sec'y & Auditor, Pearl St. Perpetual Bldg. & Savgs. Asso., 2155 Chelsea Ter.
- BASIL R. MULLINEAUX, Salesman, Edward E. Mullineaux, 425 N. Monroe.
- JOHN REIDER, Clerk, Wm. Koch Importing Co., 2232 E. Madison.
- ANDREW J. SAUER, Secy. Treas., Joyner Witz Co., 4806 Reisterstown Rd.
- CHAS. J. SELANDER, Photographer, 1934 McElderry.
- JOSEPH NEUBERGER, Shoe Cutter, P. J. Monaghan Co., 1530 N. Washington.
- ARTHUR R. MACLELLAN, JR., Mnfrs. Agt., Hopkins Apts.
- G. WILSON GROOM, Clerk, Sovereign Grand Lodge, I. O. O. F., 718 McCabe Ave.
- CHAS. W. BAGGOTT, Mnfrs. Wire Work, 1709 Rosedale.
- JOHN E. KINNAMON, Hardware & Paints, 2241 E. Preston.
- WM. P. DAWSON, Plumber, Wm. P. Dawson & Co., 3723 Boarman Ave.
- ALBERT H. SHEFFER, Mngr., Chas. J. Taylor & Co., 1810 Ruxton Ave.
- RICHARD E. CHEW, Ice Cream, 636 N. Gilmore.
- DAVID CUTLER, Foreman, Columbia Paper Bag Co., 915 Whitelock.
- GEORGE H. AULT, Merchant, 715 E. 20th.
- WM. J. HOOVER, Buyer, Allen Son & Co., 126 N. Linwood Ave.
- SOLOMON GREENEBAUM, Salesman, Hecht's Bel. Stores, 1048 N. Broadway.
- WM. O. SPICKNALL, Builder, 930 W. Franklin.
- WM. S. MARTIN, Trunkmaker, John L. Prager, 210 S. Gilmore.
- H. A. JONES, None, 1709 Edmondson Ave.

*2 calls*

*2*

*also*

*2*

*3*

*4*

*6*

*8*

*9*

*10*

*11*

*12*



DEFENDANT'S <sup>2<sup>nd</sup></sup>~~1<sup>st</sup>~~ PRAYER

The defendant prays the Court to instruct the jury that under the uncontradicted evidence in this case the plaintiff is guilty of contributory negligence and that therefore their verdict must be for the defendant.

*Repa*

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

The defendant prays the Court to instruct the jury that the plaintiff has offered no evidence legally sufficient to entitle her to recover and that their verdict must therefore be for the defendant.

*Refer to case  
of all the testimony.*

PLAINTIFF'S 3rd 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.

*Refers to connection  
with plff's speedy justice.*

PLAINTIFF'S FIRST PRAYER.

The plaintiff prays the Court to instruct the jury that by ordinary care 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*

PLAINTIFF'S SECOND PRAYER.

The plaintiff prays the Court to instruct the jury that the degree of ordinary care and caution required of the said 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*

PLAINTIFF'S

*4th*

PRAYER.

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.

*Pranted*

PLAINTIFF'S <sup>5<sup>th</sup></sup> 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 infant plaintiff as ought, under all circumstances, to have been reasonably expected from one of her age and intelligence or for the want of ordinary care and prudence on the part of her parent directly contributing to the accident, then their verdict must be for the plaintiff.

*Granted.*

DEFENDANT'S <sup>3<sup>rd</sup></sup> PRAYER

The defendant prays the Court to instruct the jury that even though pedestrians have the right of way at street crossings, yet this does not mean a pedestrian may disregard all precautions for his own safety, and if the jury find that Bertha Proctor could have avoided the accident complained of, by the exercise of <sup>*under all the circumstances*</sup> reasonable care, then their verdict must be for the defendant.

*Granted.*



DEFENDANT'S <sup>4<sup>th</sup></sup> PRAYER.

The defendant prays the Court to instruct the jury that the burden is upon the plaintiff to prove by a fair preponderance of testimony that the injuries complained of were the result of the defendant's negligence, and were not contributed to by any negligence or want of care upon the part of the said Bertha Proctor, and if the minds of the jury are left in a state of equipoise in regard to these matters, then their verdict must be for the defendant.

*Granted.*

DEFENDANT'S 5<sup>th</sup> PRAYER

The defendant prays the Court to instruct the jury that if they find from the evidence that the defendant was driving his machine carefully and prudently as he approached the scene of the accident complained of, and that the said Bertha Proctor ran suddenly from behind an automobile which was approaching from the opposite direction from that in which the defendant was driving, and that when she ran from behind the other automobile, if the jury so find, she was so near the automobile of the defendant that it was not possible for him to stop his automobile before striking her, then their verdict must be for the defendant.

*Granted*

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

The defendant prays the Court to instruct the jury that even though they believe from the evidence that the defendant was guilty of negligence, yet if they shall further believe from the evidence that Bertha Proctor was also guilty of negligence, and that the accident was directly caused partly by the defendant's negligence and partly by the negligence of Bertha Proctor, then the verdict of the jury must be for the defendant, without regard to whose negligence was greater.

*Granted.*

---