

Avenue. Beside a telephone pole at the South end of the aforesaid building, there was a deep hole in the curbing of the sidewalk which was unprotected either by a guard rail or lights; about one half of the sidewalk in front of the building was blocked off by scaffolding erected for repairs to the building; the remainder of the walk was open to pedestrian traffic. The said telephone pole was situated in the portion of the sidewalk which was then available to pedestrians. While stepping to the left in an effort to go around the pole, Mr. Gartrell stepped into the said deep hole in the curbing, and, as a result, he fell and broke his right ankle in three places, and

WHEREAS, It appears at this time that the injury to Mr. Gartrell's ankle will be permanent in nature as he is now approximately sixty-nine (69) years of age. He is married and prior to the accident had been a long time resident of Montgomery County, and

WHEREAS, Following this accident Mr. Gartrell gave proper notice to Montgomery County, Maryland, of his intention to hold the County liable as a result of these injuries and was advised by Montgomery County, Maryland, that its investigation disclosed no liability on the part of the said County as the defective curbing which caused Mr. Gartrell to fall was property owned by the State of Maryland and that any claim he might have should be directed to the State of Maryland, and

WHEREAS, Since there is no procedure for Mr. Gartrell to sue the State of Maryland as a result of these injuries, the State of Maryland should in fairness, compensate him as his injuries are due to the negligence on the part of the State of Maryland, and

WHEREAS, Mr. Gartrell was taken that night to the Washington Sanitarium and Hospital where x-rays were taken and they confirmed a broken ankle. After a few days of splinting to allow swelling to recede, the right lower leg was placed in a plaster cast for five (5) weeks and then replaced by an elastic bandage. Mr. Gartrell was on crutches for a period of time and used a cane until mid-October. He still experiences swelling and pain in the ankle when up and about and is still handicapped in getting about and still unable to pursue any regular occupation. This disability practically stopped Mr. Gartrell's income although he earned approximately \$700.00 per month prior to the injuries, and

WHEREAS, Mr. Gartrell's expenses as a result of these injuries are approximately \$600.00 and his loss of earnings amounts to approximately \$8400.00 per year since the said accident, and

WHEREAS, This is a clear case in which personal injury was caused by the defective and negligent maintenance of the State of Maryland, and

WHEREAS, There is a clear obligation here of the State of Maryland to reimburse Mr. C. Roland Gartrell in the amount of \$2400.00, now, therefore, be it

Resolved by the General Assembly of Maryland, That after hearing a full report of the accident and considering the legal liability and equities of the case it is the sense of the General Assembly that the Governor be requested to insert into the supplemental budget an item in the amount of \$2400.00 as reimbursement for the injury incurred by Mr. C. Roland Gartrell, and be it further