

EDDIE GRIMES -- Wrongful Death Case

Source: Crawfordsville Daily Journal Nov 25, 1914 p 1

Suit of \$10,000 damages for the death of Edward Grimes, who was killed beneath the wheels of a Ben Hur traction car at Wabash Avenue and Green Streets, Sept 18, 1913, was filed in circuit court today by the Crawfordsville Trust Company administrators of the lad's estate, the T H I traction company being named as defendant. The complaint is set forth in three paragraphs and is a lengthy statement, requiring 15 typewritten pages of manuscript.

In the first paragraph of the complaint the plaintiff makes a statement, explaining what the T H I & E Traction Company is and describing its franchise. A description of the intersection of Wabash Avenue and Green Streets is given, showing that from Water Street, a square east of Green to the intersection is down grade. The complaint states that a Ben Hur car was due to arrive at the station, then situate on north Washington street at 12:50 in the afternoon. The car was more than 10 minutes late, the plaintiff alleges and the motorman was running the car at a rate of more than 25 miles an hour to make up for the delay, the complaint avers. The plaintiff says that residences are built near the corner of the streets making it impossible for a person going south on Green to see a car approaching from the east until it had nearly reached the corner.

That the motorman was disregarding the company's franchise not only in running at an unlawful rate of speed but also in failing to sound safety gongs or a whistle as the car approached the corner is the allegation of the plaintiff in the opening paragraph of the complaint. The plaintiff says that young Grimes was depending upon the observance of the franchise when he neared the corner on his motorcycle and felt that he could cross Wabash Avenue in safety. In the second paragraph of the suit the plaintiff declares that the fatal accident could have been avoided had the motorman used due care as his car neared the corner. The car was going down grade, the tracks were slippery and the car was running at a fast rate, it is alleged, but the plaintiff says the motorcyclist could have avoided the accident and been given warning of the car's approach. In the second paragraph the plaintiff says the car was being run not only at an unlawful rate but at an unreasonable speed.

In the closing paragraph the plaintiff states that young Grimes saw and heard the car after he had crossed the boundary line of Wabash Avenue and even at that juncture made an effort to evade the collision the complaint states. It avers that the motorman did not make an effort to slacken the speed of the car after he observed the perilous position of the Grimes boy and expresses the opinion that the accident would have been avoided had the motorman thrown on the brakes after reaching the east side of Green.

In each paragraph the plaintiff alleges that the death of the Grimes lad was due wholly to the carelessness and negligence of the traction company's employee. At the close of each of the three paragraphs the plaintiff declares that the estate of the youth has been damaged to the

extent of \$10,000 and this sum is asked from the company.

The plaintiff is represented by Attorneys Finley P. Mount and Chase Harding. Defense of the case will be made by Thomas & Foley, attorneys for the traction company in this city.