

COURT OF APPEALS OF MARYLAND

Haley et al. v. Mayor and City Council of Baltimore, 211 Md. 269

127 A.2d 371 (1956) · No. No. 20, October Term, 1956 · Decided October 20, 2001

SUMMARY

The Maryland Court of Appeals held that concrete steps within a public park constituted part of a public highway because they served as a direct route between public streets and were used for ordinary travel rather than recreation. The City’s maintenance of the steps was therefore a corporate function, subjecting it to potential liability for negligent maintenance. The judgments for the City were reversed and the cases were remanded for new trials.

CASE DETAILS

COURT	Court of Appeals of Maryland
WRITING FOR THE COURT	Brune, C.J.; Collins, J.; Henderson, J.; Hammond, J.; Henderson, J., Chief Judge of the Fourth Judicial Circuit, specially assigned
JURISDICTION	Maryland
DECIDED	October 20, 2001
DOCKET	No. 20, October Term, 1956
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Two appeals from summary judgments entered in favor of the Mayor and City Council of Baltimore in separate personal-injury actions arising from accidents on concrete steps in Preston Gardens.
STANDARD OF REVIEW	The court reviewed the propriety of summary judgments and the legal characterization of the City's function. Summary judgment was improper where the record presented a dispute concerning the existence of negligence.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Iva Lee Haley, Elizabeth Kappes v. Mayor and City Council of Baltimore

TOPICS

- municipal liability
- municipal law
- negligence
- premises liability
- personal injury

PRACTICE AREAS

municipal law

municipal liability

negligence

personal injury

remedies

QUESTIONS PRESENTED

1. Whether the City's maintenance of concrete steps located within a public park, but used as a direct public passageway connecting public highways, was a governmental function or a corporate function.
2. Whether summary judgment for the City was proper when the steps were allegedly negligently maintained and the record contained a dispute concerning the City's negligence.

HOLDINGS

1. Concrete steps located within a public park constitute part of a municipal public highway, rather than part of a governmental recreational function, when they serve as a direct and commonly used passageway between public highways.
2. The City may be held liable in a civil action for negligent maintenance of the steps because they constituted a part of a public highway.
3. Summary judgments for the City were improper because the plaintiffs' claims involved a potentially actionable corporate duty and the record contained a dispute concerning whether the City was negligent.
4. obiterDicta **فيالمصدر**

KEY QUOTATIONS

"The mere physical location of the passageway within the park does not of itself decide the function. The use of a particular facility is a determining factor." (211 Md. at 272)

"In the case at bar the appellants were using the steps as part of the public highway in order to travel between points which were outside the park and not for recreational purposes." (211 Md. at 273)

"There is no question that, by the great weight of authority, the rule of law is that it is a private proprietary obligation of municipal corporations to keep their streets and public ways reasonably safe for travel in the ordinary manner, and to prevent and remove a nuisance affecting the use and safety of these public ways." (211 Md. at 274)

FACTUAL BACKGROUND

Iva Lee Haley and Elizabeth Kappes were injured in separate accidents while descending concrete steps in Preston Gardens, a public park in Baltimore. The steps formed part of a concrete walkway connecting public highways and were used by numerous people traveling between St. Paul Street and St. Paul Place, rather than for recreational purposes. The City's Department of Recreation and Parks had supervised and maintained the gardens and steps for decades.

PROCEDURAL HISTORY

The trial court entered summary judgments for the City in both cases, apparently on the ground that maintenance of the steps in a public park involved a governmental function for which the City was immune from civil

liability. The plaintiffs appealed, and the Court of Appeals of Maryland reversed and remanded both cases for new trials because the steps functioned as a public highway and the record disclosed a dispute concerning whether the City was negligent.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand each case for a new trial because the record contained a dispute concerning the existence of negligence by the City.

CASES CITED

- City of Baltimore v. Williams, 129 Md. 290, 99 A. 362
- City of Baltimore v. State, Use of Blueford, 173 Md. 267, 195 A. 571
- City of Baltimore v. State, Use of Ahrens, 168 Md. 619, 179 A. 169
- Thomas v. Prince George's County, 200 Md. 554, 92 A.2d 452
- City of Baltimore v. Eagers, 167 Md. 128, 173 A. 56
- Nelson v. City of Duluth, 172 Minn. 76, 214 N.W. 774
- City of Louisville v. Pirtle, 297 Ky. 553, 180 S.W.2d 303
- Birkhead v. City of Baltimore, 174 Md. 32, 197 A. 615