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Gabi Pollard
Senior Thesis

Source of Power or Harm? Pennsylvania Courts and Changing Technology, 1890s-1930s

“We are shaped by our tools.” –Sherry Turkle¹

On April 11, 1935, thirty-year-old Mary Comer found herself in a life-altering car accident when she, driving her 1933 DeLuxe Plymouth Coupe automobile, crashed into twenty-seven-year-old Harry Slusser. That night, Mary Comer was driving to Amith Hall to meet her friend Olive Gaumer, while Harry Slusser, a registered truck driver for The Mordon & Goss Transportation Company, was traveling from Washington D.C. to Buffalo, New York, where the trucking company was located. At around 9:30 p.m., both Mary Comer and Harry Slusser were on the Susquehanna Trail when their automobiles collided. Both parties in the accident were injured and therefore unable to accurately and reliably retell what had occurred in the collision and how. Comer, who was more seriously injured, unconscious, and admitted to the hospital that day, brought Slusser and his trucking company to Middleburg Court on February 28, 1939, on whether or not Harry Slusser and his company were negligent in the collision. Comer suffered from head and leg injuries, and her car was totaled; she brought the charges in order to have Slusser pay for her car damages and personal injuries and in order to have the court assign blame to someone for the car accident. Both parties claimed that they were on the correct side of the road at the time of the collision, and that the other party was on the wrong side of the road, causing the crash. The court found in favor of Mary Comer and she was awarded \$10,000 by the jury for her pain, her suffering, and the damages to her car.²

¹ Sherry Turkle, *Alone Together* (New York: Basic Books, 2011), x.

² Mary Comer v. M. & G. Convoy, Inc. and Harry Slusser (1935) from Middleburg, Snyder County, Pa.

As seen in the case of Mary Comer, technology has an extensive impact on people's lives. Mary Comer and Harry Slusser both relied on their automobiles as a source of technology to help them travel safely and efficiently to their destinations. Technology consists of inventions that make people's lives simpler and easier. People have confidence that these tools will provide aid, support, and ease in their everyday lives and, therefore, they grow dependent on their technology. When technology does not achieve the goal it was expected to in the way that it was made to do, or it is misused, the people who have developed this dependence become lost and desperate for an outlet. Either Mary Comer or Harry Slusser misused their automobile, as well as misused the road system created for safe travels. Because of this, Comer suffered from physical and monetary injuries, and, therefore, turned to the courts to compensate for these injuries. These hardships vary from case to case, from discomfort to deprivation or suffering. In the time period such as the 1890s to 1930s, when technology was rapidly advancing, while at the same time the economy was beginning to decline, these hardships were extremely prominent. In response to this, widespread legal action was taken to stabilize the nation's deprival. Court cases that were filed during this time demonstrate how Pennsylvania citizens used the Pennsylvania court system to empower themselves in reaction to technological harm.

Various scholars have researched the effects of technology on people's lives. There are two schools of thought that scholars fall into when discussing technological dependence: technology as a source of power and control and technology as a source of harm. When looking at farmland and agricultural tools as technology, historians Glen H. Elden Jr. and Rand D. Conger, found that technology was a source of harm. Farmland and agricultural tools were supposed to be equipment that aided people in their everyday lives and made their lives easier; instead, in events such as the Great Farm Crisis of the 1980s, which destroyed many people's

farmland in Iowa, the farmers' dependence on their tools placed economic stress on them. This led them to display hostile and angry behavior towards each other, which demonstrates that their high dependence on technology was a source of harm.³ Previously, in May 1933, the Agricultural Adjustment Act was passed under President Roosevelt's New Deal policy in order to regulate and stabilize farm production and prices. This demonstrates how although technology caused harm, some legal action was implemented, in order to help the farmers gain power despite their situation. The legal action taken was not enough, as seen by events such as the Farm Crisis following. Similarly, psychologist Sherry Turkle researches how computers are machines created to provide a vast amount of knowledge to a person quickly and accessibly; she argues that people become so focused on computers that they begin to lose themselves. Turkle argues that people also lose real world connections and relationships due to their fixation on the screens that are constantly in their possession, which is harmful to American society.

Unlike Elden, Conger, and Turkle who found that technology caused people harm, political scientist Helge Hveem analyzes how technology empowered people and industries. He focuses on how production and distribution of technology in industries are sources of control and accumulation in a global system; industries are large manufacturing machines used to create smaller equipment that make everyday people's lives easier. He demonstrates that technological productions provide advancements for society, which give governments power over other governments.⁴ Correspondingly, historian John C. Burnham concentrates his research on accident proneness and technological safety solutions. He discusses how the most effective way to counter any perceived problem with technology is with more technology. The safety features

³ Glen H. Elden Jr. and Rand D. Conger, *Families in Troubled Times: Adapting to Change in Rural America* (Social Institutions and Social Change: Aldine Transaction, 1994).

⁴ Helge Hveem, "The Global Dominance System: Notes on a Theory of Global Political Economy," *Journal of Peace Research* Vol. 10, No. 4 (1973): 319-340, accessed September 9, 2016, http://www.jstor.org/stable/422588?seq=1#page_scan_tab_contents.

that technology provides, gives the governmental agencies implementing these features a source of power over the rest of society.⁵ Also by creating technology to fix other technology problems, it is demonstrating how people use technology to gain a sense of control over everything around them. Both Hveem and Burnham analyze how technology provides the government with power; not only are citizens empowered by technology, but government entities, such as state-run factories and agencies and, likewise, the state court system acquire power from technological advancements.

Differing from the view of technology as solely providing harm or power to people, sociologists Havidan Rodriguez, Walter Diaz, Jenniffer M. Santos, and Benigno E. Aguirre analyze technology's role as sources of harm and power simultaneously. They concentrate on the technology used in predicting weather. They argue that technology allows us to gain scientific advancements such as predictions in the weather; however, technology can often be wrong in these predictions. Therefore, in one way it is beneficial that technology exists to make predictions about the weather since it gives us some power and control over what is to come, but it also is a source of harm because it is often not correct and can mislead us.⁶ Although the technology discussed by multiple scholars pertains to advancements from various areas and time periods, they all demonstrate how technology is advancing and people across the country are dependent on the different advancing technologies. Like Rodriguez, Diaz, Santos, and Aguirre, the technology referred to in the court cases filed in the Pennsylvania court system between the 1890s and 1930s act as both a source of power and harm to the citizens of Pennsylvania. Some of the technological advancements that were misused causing one party to take legal actions include

⁵ John C. Burnham, *A History of Technology, Psychology, and Misfits of the Machine Age* (Chicago: The University of Chicago Press, 2009).

⁶ Havidan Rodriguez, Walter Diaz, Jenniffer M. Santos, and Benigno E. Aguirre, "Communicating Risk and Uncertainty: Science, Technology, and Disasters at the Crossroads" *Handbook of Disaster Research* (2007): 476-488, accessed September 9, 2016, http://link.springer.com/chapter/10.1007/978-0-387-32353-4_29#page-1.

automobiles, roads, water systems, and electricity lines; all of these forms of technology allow for the transporting of something including people along roads, water through gutter systems, and electricity through wires. Therefore, modes of transportation provide the citizens of Pennsylvania with both a sense of power, by allowing people and resources to be moved across a state as well as a sense of harm, by being misused causing physical injuries and economic damages.

All of the court cases analyzed pertaining to transportation are classified as tort cases. The cases examined have been filed and heard in Pennsylvania State court system, which includes the local level of Snyder County in Middleburg Court of Common Pleas, the Pennsylvania Superior Court, or the Pennsylvania Supreme Court. One of the parties involved in each of the court cases brought the suit to Pennsylvania court in order for the legal system to find one of the two parties involved negligent. When courts take on tort law cases, they must initially define legal terms such as, “negligence,” “liability,” and “fault.”⁷ Torts are civil wrongful actions that result in liability being assigned, while liability is the responsibility that is assigned to one of the parties involved in the case, often resulting in that party having to owe payment to the wronged party. The legal definition of fault is a negligent failure to act reasonably or according to one’s duty, while negligence is defined by the Laws of Pennsylvania docket of 1929 under civil procedures, which are the rules and standards that must be followed during civil lawsuits⁸. The citizens of Pennsylvania used the courts as an outlet when technology was misused and harmful because the courts provide concrete decisions for the people. The courts determine which of the parties involved is negligent, liable, and at fault for the event; this forces the party at fault to compensate for the harmful technology. The courts are a tool created by the state

⁷ Anthony J. Sebok, “The Fall and Rise of Blame in American Tort Law” *Brooklyn Law Review* Vol. 68 (2003): 1031-1054, accessed September 9, 2016, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=398420.

⁸ Civil Procedures, Laws of Pennsylvania (1929).

government that act as a source of power and harm to its people; the court system is a source of harm to the party found to be at fault because the system demands the party to pay compensation to the opposing party who is empowered by receiving compensation and a decision in their favor. Also, the court system is a source of power to the state by allowing the state to manage its citizens by controlling whose cases can be heard in court as well as the decisions that are derived from court.

The legal system was created as a means of control to increase power and limit harm. Two sociologists, Austin Turk and Abraham Blumberg, have examined the legal system as a tool of conflict management. According to Turk, law is defined as a means of settling disputes and preventing, minimizing, and resolving conflicts; laws were created to satisfy the “human craving for order.” Turk explains this phenomenon by arguing, “people try to maintain or gain control of normative expectations,” such as the expectation that a road was created with two sides, one for each capable driver. Therefore, there is a primary emphasis on order and law. Turk notes that “people cannot trust strangers,” which explains why when an accident, such as a car collision occurs, people react by placing blame on each other. The parties involved feel that if they do not blame the other person, then blame will be placed on them. The idea of control in a situation is how the parties involved try to empower themselves in the situation, and the desire for control and power occurs because of the uncertainty that comes from harm. Austin Turk defines power as the control of resources; he discusses the resources of police powers, economic power, political power, and divisionary power. The use of courts as a resource is a political power; he defines political power as working towards a politically organized society that is affected by legal and non-legal factors. Because the structure of the court system is uniform and stable, it gives the citizens a sense of control by allowing them the ability to file their own claim in the

court system and assuring them a decision. Thus, the court system is an effective tool of conflict management. The stability of the court system also gives the government control over the citizens who are filing the claims because the state court system is fixed under the rule of the government⁹. The non-legal factors involved in this conflict management are technological advancements, while the legal factors involved are the legal actors. Abraham Blumberg discusses how legal actors involved in the court system will change, and likewise technological advancements in society will change over time, however, the structure of the courts continues to remain the same and carry out its intended goal of resolving conflicts and providing justifications.¹⁰ Therefore, the courts exhibit conflict management by remaining stable, while aspects of society, including technology, are changing around them.

Legal actors, such as plaintiffs' attorneys, are able to individually define the terms of "negligence" and "liability" in the cases they are involved in. They do this in order to construct to the judge and/or jury, through their definitions, what they want the judge and jury to look for in order to shape the case in favor of their clients desired outcome. Three tort court cases filed in Middleburg Court of Common Pleas in Snyder County exemplify how the attorneys' defined negligence for their clients and how the clients, or Pennsylvania citizens, utilized the local level courts within the state court system to empower themselves through their tort cases. Snyder County, Pennsylvania is a rural county located in eastern-central Pennsylvania; Snyder County serves as an example of one of the smaller counties in Pennsylvania. In one court case, *Jeremiah Crouse v. The Sunbury and Lewistown Railway Co.*, the plaintiff's attorney defines negligence as "the absence of want of care under the circumstance; or [doing] which a man of ordinary care

⁹ Austin T. Turk, "Law as a Weapon in Social Conflict" *Social Problems Vol. 23 No. 3* (1976): 279-291, accessed December 5, 2016, http://www.jstor.org/stable/799774?seq=1#page_scan_tab_contents.

¹⁰ Abraham Blumberg "The Practice of Law as a Confidence Game: Organizational Cooptation of a Profession" *Law and Society Review Vol. 1 No. 2* (1967): 20, accessed December 5, 2016, https://www.jstor.org/stable/3052933?seq=1#page_scan_tab_contents.

and prudence would not do, or omitting to do that which a person of ordinary care and prudence would have done under the circumstance of the particular case.”¹¹ The plaintiff’s attorney in the second court case, *Minnie and Sallie Hall v. Chapman Township*, defines negligence as a potential abuse or lacking of using ones’ best judgment and discretion in a certain situation¹². The attorney in a third case, *Mary Comer v. M. & G. Convoy, Inc. and Harry Slusser*, defines negligence as “the failure to exercise due care, as the law requires, as a reasonable, careful, and prudent person would exercise, under the circumstances”¹³. Negligence, in other words, is the legal standard for liability that the court must find the plaintiff to be liable of, which displays why negligence is defined under civil procedures. These three legal actors present their definition aloud to the court in order to emphasize the ideas of “discretion,” “reasonable,” and “failure” to the actors making the decision. By establishing concrete definitions in trials, the legal actors are strengthening the stability and construction of a conflict management system.

Snyder County’s geographic area contributed to its vast technological advancements. Beginning in the late 1800s and into the 1900s, Snyder County developed into a technology driven area; due to the many rivers that surround it, Snyder County was a useful source for industries and trade. Historian Herbert Bell asserts, “Boat building is one of the oldest industries in the community” because it began to connect the community providing gathering spots as well as acted as a source of easier travel and trade in a place where rivers and large bodies of water were prominent. Bodies of water also acted as a source of energy by powering engines and mills. Following the building of boats, roads were built originally for horse drawn carriages, one of the first individual means of transportation. Concurrent with the advancing of horse and buggies,

¹¹ Jeremiah Crouse v. The Sunbury and Lewistown Railway Company (1891) from Middleburg, Snyder County, Pa.

¹² Minnie M. Hall and Sallie E. Hall v. Chapman Township (1913) from Middleburg, Snyder County, Pa.

¹³ Mary Comer v. M. & G. Convoy, Inc. and Harry Slusser (1935) from Middleburg, Snyder County, Pa.

railroads were developed as an even faster and easier way of traveling; railroads were built because the community warranted it, with their vast connections for trade.¹⁴ The building of multiple roads began because it benefited individual travel and provided easy trade for artisans and merchants as well as citizens of Snyder County traveling to work and into town.¹⁵ In the early 1900s, roads began to be used for automobiles rather than carriages; “the automobile became a fixture in the area in the 1920’s.” Automobile garages, service stations, and paved roads were built throughout the towns of Snyder County to accommodate for the public beginning to own cars. In 1928, following the increase of automobiles, the first airport was built in Snyder County.¹⁶ The constant developments and advancements that occurred in Snyder County, from boats to railroads, automobiles, and airplanes, demonstrates that once society began using technology, they became dependent on it and needed to continue advancing their technology. Because Snyder County is a small county within the larger state of Pennsylvania, it is isolated from the bigger cities such as Philadelphia. Means of transportation were important for the people of Snyder County to stay connected to and trading with the rest of Pennsylvania.

As technology pertaining to transportation was advancing in Snyder County, the county had to also advance its court system. Some historians have conducted specific research on the Snyder County court system. According to the book The Story of Snyder County, when a case was brought to Middleburg Court, “the severity of the punishment was in line with the spirit of the times.” These punishments could include public punishments, fines, or imprisonment. Historian George Dunkelberger’s research of the local court system included analyzing a tort case of a railroad accident at Kreamer that occurred in Snyder County. On January 25, 1895 at

¹⁴ *Snyder County Historical Society Bulletin (1943)* (The Snyder County Historical Society Vol. II No. 6), 3.

¹⁵ Herbert Bell, *History of Northumberland County, Pennsylvania* (Brown, Runk, & Co. Publisher, 1891).

¹⁶ Donald D. Housely, *Snyder County Pennsylvania: From Pioneer Days to the Present* (Snyder County Communities National Bicentennial, Inc., 1976).

about 3:00 o'clock, seventeen people were riding on a sleigh in the village of Kreamer, located between Selinsgrove and Middleburg, when the sleigh crossed a railroad track. The train struck the sleigh causing two of the passengers, the owner and the driver, to be killed, ten of the passengers to be injured, and five passengers escaped without any injuries. The injured passengers took the case to Middleburg court against the railroad company, and the two parties settled resulting in the company paying the most injured passenger \$14000 and the second most injured passenger \$4000 for their pain and suffering.¹⁷ The parties were able to file their accident claim in court and the parties who received the most injuries justly received the most compensation. This allowed the passengers involved to feel a sense of power and control over the horrific accident that occurred. Dunkelberger's work demonstrates that other historians have researched Snyder County in relation to the court system, and this research furthers that work by examining the impact of technological advancements.

Parallel to Snyder County, Pennsylvania as a whole has always been a technology-reliant area. Around the 1780's, the state of Pennsylvania's chief industries were established to be agriculture and commerce. Similar to Snyder County's roads, large scale roads and highways were being built for wagons and horse drawn cars in the 1760s to travel across the state of Pennsylvania, and following this, railroad tracks began being built for trains. Pennsylvania warranted advanced transportation systems because of its large surface area and many bodies of water. The first turnpikes were created between Philadelphia and Lancaster connecting Chester, Lancaster, through the Susquehanna to Wright's Ferry, York, Carlisle, Shippensburg, Bedford and Alleghenies to Pittsburg. Philadelphia was established as the center of Pennsylvania's

¹⁷ George F. Dunkelberger, *The Story of Snyder County* (Selinsgrove: Snyder County Historical Society, 1948), 582-596.

industry¹⁸. Historian Loretta Treese concludes in her research of Pennsylvania history, “railroads may have been the best thing that ever happened to America;”¹⁹ they were economical in a time when automobile cars were not popular. Railroads made the Commonwealth one of America’s “leading industrial and richest states.”²⁰ The first railroad in Pennsylvania for passenger and freight traffic was the Germantown railroad that left from Philadelphia for the first time on June 6, 1832²¹. In addition to the growing industry of Pennsylvania, farming was still an important aspect to people, historian Herbert Bell notes that, “Although mining and manufacturing are the leading interests in Pennsylvania, its agriculture must necessarily rank high. We have some of the finest farming land in the world, and our thriving and populous towns and cities afford a market for all that the farmers can produce, and a great deal more.” The shift from farming to factory work demonstrated unfamiliar territory; Pennsylvanians, therefore, held onto their farmland for stability.²²

When technology is misused, the citizens of Pennsylvania turn to the state court system for empowerment. Citizens turn to local courts, such as the Middleburg Court of Common Pleas, in order to place blame on involved parties and justify these failures. Court cases filed in Middleburg Court demonstrate the citizens of Snyder County’s initial legal actions against failed technology because local court is the first level of the state court system. The next level, the Pennsylvania Superior Court hears cases appealed from local trial courts. Because bringing a case to court is an emotionally and economically taxing, and time consuming process, going through not only trial court but also appellate court demonstrates how dedicated a party is in bringing their case. The highest level of the state court system is the Pennsylvania Supreme

¹⁸ L.S. Shimmell, *A History of Pennsylvania* (Harrisburg, Pa.: R.L. Myers & Company, 1900).

¹⁹ Loretta Treese, *Railroads of Pennsylvania 2nd Edition* (Mechanicsburg, Pa.: Stackpole Books, 2012).

²⁰ Treese, *Railroads of Pennsylvania 2nd Edition*.

²¹ Shimmell, *A History of Pennsylvania*.

²² Bell, *A History of Pennsylvania*.

Court. If a case is appealed at the Pennsylvania Superior Court level, it can be heard at the Pennsylvania Supreme Court. After the Pennsylvania Supreme Court, if there is still a federal question that has not been answered, the case can be brought to the federal level Supreme Court. Appealing a case to the state Supreme Court illustrates higher commitment to the case being brought because the parties involved have to go through two court levels prior to appearing at the Supreme Court level. The Pennsylvania court system allowed the state to control these technologically reliant people by administering the decisions for each case, but also allowed the Pennsylvania citizens a sense of power in their community by allowing them the control to manage and bring their own cases. The state court system is a stable and organized system that is comparably uniform in most states across the nation. Beginning in the 1880s and continuing through the 1930s, the citizens of Pennsylvania turned to the Pennsylvania court system knowing that the system was reliable and secure and they did so when dealing with transportation technology.

One example of a citizen who filed his case in the Pennsylvania court system in order to resolve his conflict is Frederick Seither. In 1889, while riding as a passenger in a horse drawn car, Seither was injured in a collision and brought suit against the Philadelphia Traction Company, since they owned the buggy. Frederick Seither expected the horse drawn car to safely aid in his travels, and when it failed to do so, he blamed the Traction Company for their misuse of their equipment. The case was originally brought to Philadelphia Court, but after two appeals it was brought in front of the Pennsylvania Supreme Court, where the court found in favor of the Traction Company.²³ Because horse drawn cars were not a completely stable means of transportation, and technology was continuing to advance, the court found that the collision was

²³ Seither v. Philadelphia Traction Company (1889) Pennsylvania Supreme Court, accessed October 6, 2016, <http://www.lexisnexis.com/hottopics/lnacademic/?verb=sf&sfi=AC07STJrnlsSrch>.

not the Philadelphia Traction Company's fault. Although Frederick Seither did not win his case, he still acquired a sense of control over his situation by being able to file his claim in court. Pennsylvania state was also empowered because the court found in favor of a company under their control. Following his case, roads were continuing to be built and advanced in order to accommodate for the advancing automobiles.

Although horse and buggies were still prominently used as a means of personal transportation in society, people also began to turn to railroads for a faster mode of transportation. On October 28, 1891 at 8:00pm, on his walk home from his brother's store located in Selinsgrove, Pennsylvania, sixty-eight-year-old Jeremiah Crouse fell in a ditch connected to the railroad crossing that was on the path he took home; he was seriously injured and sued The Sunbury and Lewistown Railway Co. and The Pennsylvania Railroad Company in the local Middleburg Court for not fixing the ditch connected to the railroad crossing. Crouse felt it was the company's responsibility to maintain the railroad crossing for public use and provide adequate lighting for the people walking. Jeremiah Crouse expected the railroad crossing to be stable for him to walk on, and when it was not and he severely injured his knee, he brought the railroad company to court in order to assign blame for their misuse of their equipment. The jury in Crouse's trial rewarded him with \$4,050 for his personal injuries, which demonstrates that the people of the jury also believed that it was important for the railroad equipment to be maintained by the railroad company²⁴. By making the railroad company pay Mr. Crouse, the court was teaching The Sunbury and Lewistown Railway Co. and The Pennsylvania Railroad Co. a lesson to more-thoroughly maintain their technology since the people of Snyder County rely on that technology for transportation and ease in their lives. Jeremiah Crouse turned a debilitating

²⁴ Jeremiah Crouse v. The Sunbury and Lewistown Railway Co. (1891) from Middleburg, Snyder County, Pa.

accident into an empowering situation by filing his claim at the Middleburg Courthouse; he received compensation for his injuries and was able to punish the company and have the ditched fixed that caused him harm.

Because of the increased use of railroads, tracks were being built all over. On June 24, 1894 Anna Maria Wiest's husband fell over a girder rail that had detached from the railroad and received severe injuries causing his death. His wife brought the case against the contractor J.W. Hoffman and Company who laid the tracks, and the company in charge of the railroad, Electric Traction Company. The case was appealed to the Pennsylvania Supreme Court where the court found in favor of the Wiest's²⁵. Similarly to the Crouse case, the Pennsylvania court wanted to elicit the court to manage and renew the railroads for the public's use and safety since the people depended on railroads for traveling. Mrs. Wiest felt harmed and powerless by the loss of her husband; however, she was able to empower herself by bringing their case to court and having the loose girder disposed of.

Although electric wires are not a traditional means of transportation, such as railroads and automobiles, electric wires still aid in the transportation of power from one point to another. Emily Turton brought her case in front of the Pennsylvania Supreme Court in 1898 in order to manage the misuse of technology. As Emily Turton was chasing a cat around her yard, her head struck a loose wire that was supporting a pole for a telegraph company. The wire caused Turton to receive violent electric shocks. Turton brought suit originally at Philadelphia Court and appealed to the Pennsylvania Supreme Court against the Postal Telegraph Cable Company and the Powelton Electric Company. The Trial Court found the Powelton Electric Company to be solely at fault because the shocks that caused Turton's injuries came from the electric company's

²⁵ Wiest v. Electric Traction Co. (1901) Pennsylvania Supreme Court, accessed October 6, 2016, <http://www.lexisnexis.com/hottopics/lnacademic/?verb=sf&sf=AC07STJrnlsSrch>.

wire and the wire was worn and in defective condition, which was the responsibility of the electric company to maintain; the Pennsylvania Supreme Court upheld the Trial Courts decision²⁶. The courts assigned blame to the electric company in order to reprimand them for endangering the safety of the public by disregarding the maintenance of electric wires around homes. Emily Turton was able to hold power in society by filing her claim in court and causing blame to be assigned to the electric company in her area, a government-run company.

Pennsylvania citizen, Janette S. John also used the court system as a means of conflict management with the misuse of public roads. On December 1, 1899, John was injured by stepping into a hole in the asphalt pavement opposite Broad Street Station in Philadelphia. John brought suit against the Union Traction Company to pay for her personal injuries because she claimed it was the company's responsibility to maintain public roads. She originally brought the case to Philadelphia Court, but it was appealed to the Pennsylvania Superior Court. In 1902, the Pennsylvania Superior Court agreed with the Philadelphia Trial Court and found in favor of John, rewarding her with \$1,000 in compensation for her personal injuries²⁷. Because of the growing popularity of automobiles in society, the court found it important to place blame on the Traction Company in order to prompt them to maintain the roads for the automobiles.

Similarly to Emily Turton's case, Minnie and Sallie Hall's case does not involve a traditional form of transportation. In February 1913, a gutter running through the Hall's property burst after a night of heavy rainfall causing the water that the gutters were holding to spill out on Minnie and Sallie Hall's property damaging their farmland. The water gutter in the Hall's situation act as a mode of transportation because it was supposed to aid in the transporting of water, although it did not function the way it were supposed to. The Hall's brought the Chapman

²⁶ Turton v. Powelton Electric Company (1898) Pennsylvania Supreme Court, accessed October 6, 2016, <http://www.lexisnexis.com/hottopics/Inacademic/?verb=sf&sf=AC07STJrnlSrch>.

²⁷ John v Philadelphia (1900) from Pennsylvania Superior Court.

Township of Snyder County, Pennsylvania to Middleburg Court because the Hall's felt it was the Township's responsibility to supervise the gutters and make sure it functioned properly. The jury originally found the Chapman Township liable and made them pay the Hall's \$309.00 for property damages; however, the Township appealed the decision, claiming they could not be found liable because there was no malicious intent in the situation. The appellate court reversed the trial courts decision and found in favor of the Chapman Township.²⁸ The court could not find the Chapman Township liable for the incident because they had to follow the set definition of liability made by the defendants attorney when hearing the tort cases.

Contributing largely to the rapid advancing of technology and the growing legal action established to stabilize the nation during the 1900s was the event of the Great Depression. The Great Depression caused a great economic downturn for society; prior to this economic decline, technology was updating and advancing at an alarmingly fast rate and people were relying on it heavily for transportation, communication, jobs, and everyday ease. When the economic crisis occurred, many people thought this was the end of society²⁹. They believed that the technological advancements were ending and they were put in a state of chaos. Shortly after the stock market crashed in 1929, President Franklin D. Roosevelt was elected President of the United States in 1933. He implemented the New Deal Plan, which was made up of multiple federal programs in order to stabilize the nation in response to the Great Depression. Parallel to political actions occurring throughout the United States, in Pennsylvania, Governor Earle was elected in 1934. After he was elected, Governor Earle implemented his "little new deal" policy, which created social legislation similar to President Roosevelt's New Deal Plan. Governor

²⁸ Minnie M. Hall and Sallie E. Hall v. Chapman Township (1913).

²⁹ Steven Kesselman, "The Frontier Thesis and the Great Depression" *Journal of the History of Ideas Vol. 29 No. 2* (1968): 253-268, accessed September 12, 2016, https://www.jstor.org/stable/2708579?seq=1#page_scan_tab_contents.

Earle's "little new deal" policy included a list of injuries covered by compensation, which demonstrated the prominence of injuries caused from new technology in Pennsylvania. Because the government realized that technology was causing injuries, it had to figure out how to manage the injuries. Bringing the technology-centered cases to court was one way of combating these injuries; the cases would be looked at on individual bases in order to determine who was at fault and who was owed compensation, which showed the citizens that their needs were being served. Governor Earle's policy that railroads needed to have bigger crews operating it for safety also demonstrated that railroads were important enough to warrant new legislature and improvement plans in addition to the fact that this policy created many jobs; this illustrates the significance of railroads at the time and how unsafe the government acknowledges they could be. In addition, the regulations on industrial work demonstrated the importance and significance of industry on everyday lives during the time. The Pennsylvania government was described as being "under control of industrial magnates" because big industrial businesses were taking over, such as railroad companies. The Governor used the Great Depression as a reason to deal with issues present in Pennsylvania; he implemented policies to regulate the state-run transportation systems and industries, which gave a large amount of power and control to the government.

Superseding Governor Earle's rule, Pennsylvania Governor Martin was elected from 1943 to 1947; during his office, he wanted to administer a program of highway construction that was estimated to cost \$345,000,000³⁰. The state of Pennsylvania, through the governors it elected, devoted a large amount of time to adapting and improving its system of transportation, since the transportation system contributed a large amount to the economic progress of the state. Pennsylvania took pride in upgrading its railroad and highway systems; it aimed to be one of the most technologically advanced states. Technology helped advance Pennsylvania because it

³⁰ Wayland F. Dunaway, *A History of Pennsylvania* (New York: Prentice-Hall, Inc., 1948).

provided power to the state government under the state's police powers, granted by the tenth amendment of the Constitution, to control railroad stations, road work, and other infrastructure systems. However, technology also harmed the state of Pennsylvania because it provided potentially unproductive citizens who became technologically reliant on the advancements and did not work as self-sufficiently.

During this time, an increase in car accident cases was apparent in the court system due to the popularity increase of owning the newly advanced automobile as well as the declining economy and desperation for money compensation. In 1929, Millie Feldman and her husband were in a car accident involving three cars; Harry Gomes collided with Joseph Abel causing him to crash into the Feldman's, resulting in Millie Feldman being seriously injured. Abel's insurance company initially tried to settle outside of court with the Feldman's because they knew how taxing going to court would be and therefore paid the Feldman's; however, Harry Gomes did not agree with this joint liability. The case was brought to Philadelphia Court and then appealed to Superior Court against Abel and Gomes, where both courts found in favor of Millie Feldman and against both Abel and Gomes.³¹ The court wanted to penalize the two negligent co-defendants for causing the car crash in order to caution the public that causing car accidents will result in the punishment of paying heavy fees, which people could not afford to do. Because the late 1920s was a time of economic downfall, money was limited and having to pay heavy fees in court was a huge burden for people. By bringing their case to court, Millie Feldman and her husband were able to gain control of a chaotic and complicated car accident. Additionally, on December 24, 1929, a young boy, Edward Brennan, was severely injured when he was struck by a car driven by Joseph V. Huber, while he was walking on the street. Brennan's parents brought

³¹ Feldman v. Gomes (1929) Pennsylvania Superior Court, accessed October 6, 2016, <http://www.lexisnexis.com/hottopics/lnacademic/?verb=sf&sfi=AC07STJrnlsSrch>.

suit against the owner of the car, Wilhemina V. Huber and her brother the driver, Joseph, to first Philadelphia court and then to Pennsylvania Superior Court. The verdict in Philadelphia court was originally against both the owner and the driver as jointly liable; however, once appealed to Superior court, the court found Joseph Huber solely at fault.³² The court decided to assign blame to the driver of the car, rather than both the driver and the owner, in order to continue the warning that if a person is directly responsible for a car incident, that person will be solely held responsible.

Similar to both examples, in the case of Mary Comer in 1935, Middleburg Court found the defendant Harry Slusser negligent for the car collision because the jury found that he was the party responsible for causing the car accident and therefore deserved to pay the compensation for Mary Comer's pain and suffering as well as car damages³³. Edward Brennan's parents, as well as Mary Comer, were able to gain a sense of power and control from the court's stable decision pertaining to automobiles. This demonstrates that despite the fact that these tort cases involving automobiles spanned from the early 1920s to the mid 1930s, the court's opinion on how to handle automobile accidents remained fundamentally the same. This provides a sense of stability through the courts decisions towards the citizens of Pennsylvania who are bringing court cases as well as the citizens who are affected by the court cases precedents.

Furthermore, Gordon Kline turned to the Pennsylvania court system in order to gain a sense of stability after he was involved in a car collision. On a clear day in January 1935, as a truck driver, Gordon B. Albert, was driving his truck, the rear axle broke causing him to have to stop driving. Albert left the truck unattended on the side of the Philadelphia Pike in Reading, Pennsylvania with the loose parts lying on the concrete road as he went into Reading to seek aid.

³² Brennan v. Huber (1933) Pennsylvania Superior Court, accessed October 6, 2016, <http://www.lexisnexis.com/hottopics/Inacademic/?verb=sf&sf=AC07STJrnlSrch>.

³³ Mary Comer v. M. & G. Convoy, Inc. and Harry Slusser (1935).

A couple of hours later, an automobile driven by Harry Moyer was trying to pass the truck by switching into the other lane when he collided head on with Gordon Kline's car injuring a young child, Virginia Kline, who was sitting in the passenger seat. Kline, the father, filed suit against Albert and Moyer, which was appealed to the Pennsylvania Supreme Court. The Trial Court jury found in favor of the plaintiff and against both defendants rewarding the minor with \$4,039 and the parent \$940 in compensation; however, the Supreme Court found Harry Moyer to be solely liable for the collision because the accident would not have occurred if Moyer had not switched into the other lane without looking when trying to pass Albert's truck³⁴. The court system provided Kline with control over the situation when automobiles caused him and his family injuries. Another case pertaining to automobile accidents is Morris Clauson's case. On September 3, 1935, Clauson was injured when his car collided with a truck that was owned by Jacob V. Forman, who also owned a hauling business, J.V. Forman Estate, which the truck was driving for at the time of the incident. Clauson brought suit to Pennsylvania Supreme Court against the hauling business; however, Jacob Forman died before the case could be heard. He left his two sons the company, but the sons technically did not own the truck, therefore nobody could be found at fault for the suit³⁵. In a case where blame cannot be assigned to either party, it is frustrating for both parties because they put effort into hiring legal council and filing claims in court, yet do not receive a definitive answer. This causes people to question their faith in the court system as a stable, higher power that provides answers to the people.

Calvin Perry's case illustrates another instance where a citizen used the Pennsylvania Superior Court to justify a conflict. On June 9, 1939, on a clear and dry day, Perry was driving

³⁴ *Kline v. Moyer* (1937) Pennsylvania Supreme Court, accessed October 6, 2016, <http://www.lexisnexis.com/hottopics/lnacademic/?verb=sf&sfi=AC07STJrnlSrch>.

³⁵ *Clauson v. Stull* (1938) Pennsylvania Supreme Court, accessed October 6, 2016, <http://www.lexisnexis.com/hottopics/lnacademic/?verb=sf&sfi=AC07STJrnlSrch>.

over trolley tracks in Pittsburgh, Pennsylvania when he attempted to swerve out of the way from an oncoming trailer truck and drove into a hole on Second Avenue causing injuries to his wife, Emma Muir, who was a passenger in their automobile. Emma Muir and her husband brought suit against the city of Pittsburgh to Pittsburgh Court in order to receive compensation for her injuries and car damages because they felt it was the city's responsibility to maintain the roads without holes for public use. The court questioned whether Perry acted reasonably as the driver in the incident by deflecting the oncoming truck and hitting a hole on the side of the road. The Pittsburgh court found that Perry did not know of the hole and did not have full control of the car at the time, therefore he could not be found negligent for the accident. The city of Pittsburgh appealed to the Pennsylvania Superior Court arguing that the cause of the accident was the driver's failure to have accurate and complete control of the automobile rather than the hole in the street. The Superior Court found the city of Pittsburgh liable for the hole in the street and therefore, it had to pay the plaintiffs compensation of \$400³⁶. Similar to John's case, the court found Pittsburgh negligent in order to force the city to more cautiously maintain their roads in order to ensure public safety. The court system provided the Muir's with a sense of power over their situation by placing blame on the city of Pittsburgh.

In a number of the tort court cases occurring between 1890 and 1930, the court found in favor of the individual bringing the case and used their decisions to punish the companies or businesses that administered or owned the technology being misused by forcing them to pay compensation. This demonstrates how the state of Pennsylvania uses the court system to often control and manage its government agencies. However, in a few of the cases when the government agencies won, it exemplifies how repeatedly the government has control in society

³⁶ Muir v. Pittsburgh (1943) Pennsylvania Superior Court, accessed October 6, 2016, <http://www.lexisnexus.com/hottopics/Inacademic/?verb=sf&sf=AC07STJrnlsSrch>.

over the Pennsylvania citizens. Because the cases used from the three levels of the Pennsylvania court system illustrate both outcomes, there is an equal balance of power between the state, the court system, and the citizens.

Technology is created to make lives easier, yet it isolates people and causes people to become reliant on their use. It is often manufactured by large companies and administered to citizens of a particular state or county in order to benefit the lives of those citizens as warranted by their geographical location. When and if technology malfunctions, or does not work the way it was intended to work, it causes its users physical and/or mental harm. Through the 1890s to the 1930s, a progression of technology from horse and buggies to railroads to automobiles illustrated how despite the changes in technology, citizens involved in transportation accidents continuously managed their technological failures by filing claims in court and bringing suit against the manufacturers. Not only were the citizens who brought the cases affected, but the citizens of the state, such as in this case Pennsylvania, are affected by the precedents set by the cases decisions. The cases' decisions give citizens as a whole reassurance that stability and justification can be provided by the court system; this reassurance empowers the citizens in their society by providing them with expectations on how their society will run. Technology was created to harness and control power and when it fails, people turn to courts as a backup for their power.

People are still reliant on technology and the court system today. Technology is constantly evolving and changing; however, there is always a risk for misuse with new advancements. Despite these changes in technology, people continue to handle the failures through the court system. Court cases have allowed people a form of domination over technology; the courts assign blame, punishment, and compensation to people, which give them

control over the use of technology in their society. In the 1800s to 1900s railroads and automobiles were central pieces of technology in society, and in the future self-driving cars are becoming the new technological advancement. When the technology they have become reliant on causes them harm, people look to powers bigger than themselves, such as the court system, for stability and management. Courts provide a stable institution in society, and because it can be seen that the court system has remained consistent during the beginning of the early nineteenth century and throughout many technological advancements, the court system will have a long lasting impact in society.

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