

149 92
IN THE BALTIMORE CITY 59

210 COURT.

86/13

Wash

NELLIE BROWN

VS.

my best

BEN GOLD and
ROBERT MUNDON

3718 Park Heights av
2927 E. Madison St

DECLARATION.

Mr. Clerk:-

Please file.

David Evans
ATTORNEYS FOR PLAINTIFF.

DAVID & EVANS,
ATTORNEY AT LAW
215 SAINT PAUL PLACE
BALTIMORE, MD.

FILED JAN 8 1926

FILED JAN 8 1926
BAUMGARTEN & CO., INC.

*11/3/27 \$500 @
L. V. C. 11
Christy*

NELLIE BROWN : IN THE BALTIMORE CITY

VS. :

BEN GOLD and
ROBERT MUNDON : COURT

Nellie Brown, plaintiff, by her attorneys, Davis and Evans sues Ben Gold and Robert Mundon, defendants.

For that on or about the 12th day of December, 1925 while the plaintiff was legally crossing a public highway of Baltimore City at or about the intersection of Calhoun and Laurens Streets, both public highways of Baltimore City, she was struck by an automobile owned by Robert Mundon, one of the defendants and operated by the other defendant, Ben Gold, who was then and there operating said automobile along and upon one of the above highways in a reckless manner.

That the defendant, Ben Gold, was at the time of the wrong complained of, a duly authorized servant, agent or employee of the defendant, Robert Mundon.

The plaintiff says that as a result of having been struck as aforesaid, she was thrown down and against the street with great force and violence and she was seriously and permanently injured about the head, limbs and body and she became and was sick, sore, lame and disordered and so remained for a long time, to wit; from thence, hitherto during all of which time she was forced to and did spend large sums of money in attempting to cure herself of her hurts and wounds occasioned as aforesaid.

And the plaintiff says that all of her aforesaid injuries and damages were caused by negligence, carelessness and want of due care on the part of the defendants or either of them, their

servants, agents or employees or either of them and that she
in no wise contributed thereto.

WHEREFORE the plaintiff claims \$10,000 damages.

Davis Evans

ATTORNEYS FOR PLAINTIFF.

NELLIE BROWN

:

IN THE BALTIMORE CITY

VS.

BEN GOLD and/
ROBERT MUNDON

:

COURT.

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

Davis Evans
ATTORNEYS FOR PLAINTIFF.

TO THE DEFENDANTS ,

TAKE NOTICE: That on the day of your appearance to this
action in The Baltimore City Court, a rule will be entered re-
quiring you to plead to the above declaration within the time
required by law.

Davis Evans
ATTORNEYS FOR PLAINTIFF.

Non Est
(McKinley)
Summoned Robert Munden and a copy to Har and
Notice to plead left with the defendant.
(McKinley)
2-18-26

John E. Pote
Sheriff
for Robert Munden
R. D. 1926
John E. Pote
Sheriff

FEB 10 1926

RENEWAL TO MAR R. D. 1926

9-887
No. 210 Jan R. D. 1926

92
59

Baltimore City Court.

Vellie Brown

FP

vs.

Ben Gold
et al

2927 E Madison St

WRIT OF SUMMONS

Copies of Nar and Notice to plead
within to be served on defendant.

Davis & Evans
Attorney for Plaintiff

Filed FILED MAR 10 1926 day of 1926

6-18

Summoned Ben Gold and a copy
of Nar and Notice to plead left with
the defendant Non Est as to Robert
Munden John E. Pote
Sheriff
Baltimore
R. D. 1926

1-9-26
JAN 13 1926 RENEWAL TO FEB R. D. 1926 for
Robert Munden

WRIT OF SUMMONS

STATE OF MARYLAND

BALTIMORE CITY, to wit.

To the Sheriff of Baltimore City, Greeting:

You are commanded to summon

Ben Gold and Robert Menden

of Baltimore City, to appear before the Baltimore City Court, to be held at the Court House in the same city, on the second Monday of *Jan* next, to answer an action at the suit of *Nellie Brown*

and have you then and there this writ.

Witness the Honorable JAMES P. GORTER, Chief Judge of the Supreme Bench of Baltimore City, the *14* day of *Sept* 192*5*
Issued the *8* day of *Jan* in the year 192*6*

Geovany Linday Clerk.

86 ✓
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IN THE
BALTIMORE CITY COURT.

NELLIE BROWN

VS.

BEN GOLD and
ROBERT MUNDON.

PLEA.

Mr. Clerk:-

Please file, etc.,

[Handwritten Signature]

ATTORNEY FOR DEFENDANTS.

Service of copy admitted
this 9th day of March
1926. Davis & Evans
attys for plaintiff

✓ FILED MAR 12 1926
215 St Paul Pl
Davis & Evans

NELLIE BROWN

:

IN THE

VS.

:

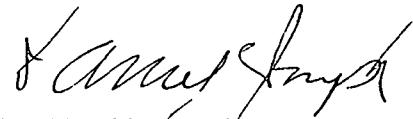
BEN GOLD AND
ROBERT MUNDON.

:

BALTIMORE CITY COURT.

:

Now come Ben Gold and Robert Mundon, and each of them, by Daniel C. Joseph, their attorney, and for Plea to the declaration heretofore filed, say:
That they did not commit the wrongs alleged.



ATTORNEY FOR DEFENDANTS.

92
59

- Brown

- Gold
etal

Plaintiffs
panel

149

92
59

2nd—3 Weeks September Term, 1926

(Beginning Monday, October 4, 1926)

BALTIMORE CITY COURT

Nellie Brown

Ben Gold and
Robert Mundon

Jury Sworn Oct. 20th 1926.

1 August Miller Foreman.

~~SAMUEL W. KIRK, Cashier, Jas. S. Gray & Son,
2647 N. Charles St.~~

AUGUST MILLER, Paint Mnfr., 1741 E. North Ave.

~~J. ROBERT COWMAN, Credit Mngr., Credit, Leabody &
Co., Inc., 1619 Park Ave.~~

2 CLEMENS G. KAUFMANN, Secy., Tyler Can Co.,
302 Northway.

3 CHARLES F. YOST, Traffic Mngr., Bartlett-Hayward Co.,
927 Bennett Place.

~~HARRY A. ... Painting Co.,
4620 York Road.~~

4 J. TANEY WHITE, Clerk, Merchants Nat'l. Bank,
2600 Reisterstown Road.

5 JAMES B. CLARK, Buyer, Armstrong, Cator Co.,
506 Chestnut Hill Ave.

~~PAUL CAPLAN, Auctioneer, 3440 Poplar Ave.~~

~~WM. F. CLARK, Clerk, ...
2100 E. Federal St.~~

6 HERBERT H. CARROLL, Clerk, C. D. Kenny Co.,
27 St. Helens Ave.

7 CHAS. I. MAGNESS, None, 2214 Callow Ave.

8 ALBERT G. ADAMS, Funeral Director,
Knights of Columbus Bldg.

~~ANTON W. SELANDER, Draftsman, Davison Chemical Co.,
1527 Poplar Grove St.~~

9 WALTER R. MAGNESS, Salesman, Colson Co.,
4906 Ross Rd.

10 JOHN A. GRAHAM, Bond Salesman, Jenkins, Whedbee &
Poe, Walbert Apts.

~~JOHN B. ...
Inc., 511 Franklin Ter.~~

~~PETER CROSBY, Foreman, ...
654 E. 35th St.~~

~~ROBERT ...
Greenway~~

11 ROBERT P. GERMANN, Private Secy., The Hub,
1902 W. Lanvale St.

12 BERNARD H. PETRI, Photographer, 1609 Norwood Ave.
FRANK H. DOTHE, Sales Mngr., Independent Ice Co.,
Oakford Apts.

~~GEO. H. ...~~

~~GARL ...
Professor, 2009 ...~~

~~...
Ins., 118 University Parkway.~~

No 149

Brown

vs

Gold & Munday

In Baltimore City Court.

ROOM 134

September Term, 192

The Sheriff will please summon the following witnesses:

Returnable on Tuesday the 19 day of October
1926, at 10 o'clock A. M.

Case 149

NELLIE BROWN

:

IN THE BALTIMORE CITY

To testify for

Brown VS.

VS.

Gold et al

BEN GOLD and

ROBERT MUNDON

:

Geo. Coyle
Clerk of COURT

Mr. Clerk:-

11 Please issue summons Duces Tecum directed against
Dr. *W.C.* Walter Coleman, 2039 McCulloh St. requiring him to be and
appear in this Court on the 19th day of October, 1926 and bring
with him his record of the injuries and treatment of Nellie
Brown, who was injured on the 12th day of December, 1925.

Davis & Evans

ATTORNEYS FOR PLAINTIFF.

W189

Brown

vs

Gold & Menden

In Baltimore City Court.

ROOM 134

September Term, 1926

The Sheriff will please summon the following witnesses:

Returnable on *Tuesday* the *19th* day of *October*
192*6*, at 10 o'clock A. M.

Case 149

NELLIE BROWN : IN THE BALTIMORE CITY

To testify for

Brown

*Gold et al
vs
Geo Coleman
Clerk of Baltimore City Court*

VS.

BEN GOLD and
ROBERT MUNDON

COURT

Mr. Clerk:-

Please issue summons for the following persons to
appear before the Court Oct. 19th, 1926 at 10 A.M.

- 14* *sd* Jacob Terin.....1401 Laurens St.
- 14* *sa* Eliza Winston....1514 Presstman St.,
- 14* *sp* Mary Gross.....1365 Gilmor St.,
- 11* *sp* Dr. W. Coleman.....2039 McCulloh St.,
- 11* *me* Nellie Brown.....546 Robert St.

Davis & Evans

ATTORNEYS FOR PLAINTIFF.

92
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IN THE
BALTIMORE CITY COURT.

NELLIE BROWN

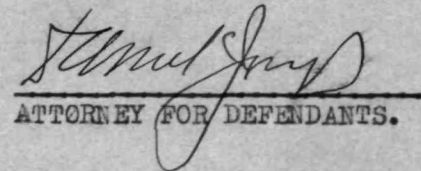
VS.

BEN GOLD AND ROBERT
MUNDON.

MOTION FOR NEW TRIAL.

Mr. Clerk:-

Please file, &c.,


ATTORNEY FOR DEFENDANTS.

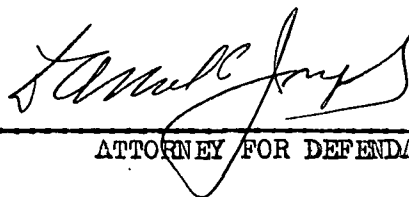
DANIEL G. JOSEPH,
11 E. LEXINGTON ST.,
BALTIMORE, MD.

92
59
A. 22nd Oct 1926

NELLIE BROWN : IN THE
VS. :
BEN GOLD and ROBERT MUNDON. : BALTIMORE CITY COURT.

Now come Ben Gold and Robert Mondon, defendants, and each of them, by Daniel C. Joseph, their attorney, and move for a new trial in the above entitled cause:

1. Because the verdict is against the evidence.
2. Because the verdict is against the weight of the evidence.
3. Because the verdict is against the Court's instructions.
4. Because of newly discovered evidence.
5. Because of error and misdirection on the part of the Court.
6. Because of excessive damages.
7. Because of misconduct of the Court and counsel.
8. Because of misconduct of the jury.
9. Because of the disqualification of jurors.
10. And for that said cause was put in the assignment for trial in disregard of an understanding by the attorney of record for said defendants with the Supreme Bench of Baltimore City, under which, during the absence of said attorney upon public business, his cases were to be withheld from such assignment.
11. And for other and further reasons to be made known at the hearing of this Motion.



ATTORNEY FOR DEFENDANTS.

Brown

~

Gold

In Baltimore City Court.

ROOM 134

September Term, 1926

The Sheriff will please summon the following witnesses:

Returnable on Wednesday the 24th day of November
1926, at 10 o'clock A. M.

Nellie Brown

vs.

Ben Gold et al

Baltimore City Court.

Term 192

No. 149 Trials

MR. LINDSAY, Clerk,

Please issue summons for the following witnesses:

- 14 Jacob Terin sd 1401 Sowers St
- 10 Eliza Winston sd 1514 Presstman St
- 14 Mary Gross sd 1365 Gilmore St (N)
- 14 Nellie Brown sd 1403 N Fremont ave
- 11 Dr. G. J. Coleman sd McCulloh St 2039

✓

to testify for the plaintiff

Returnable the 24th day of Nov

1926 at 10 o'clock A. M.

Davis Evans

Attorney for plaintiff.

92
59.

Page.....

Docket 192 City Ct.,

NELLIE BROWN

vs.

BEN GOLD and ROBERT MUNDON.

SUGGESTION FOR REMOVAL
AND ORDER OF COURT.



Filed 26th day of Nov., 1906.

In the Baltimore City Court

NELLIE BROWN

Term, 192.....

vs.

BEN GOLD and ROBERT MUNDON

No.

The defendants in this case suggests to the Court here, that they cannot have a fair and impartial trial in this Court, and prays the Court to order and direct the removal of the Record of Proceedings in this case to some other Court having jurisdiction in such cases for trial.

Ben Gold

Robert Munden

On this 22d day of November A. D. 1926, appears

Ben Gold and Robert Munden,

the defendants in the above entitled case, and makes oath, in due form of law, (who being conscientiously scrupulous of taking an oath, did solemnly, sincerely and truly declare and affirm, on the five books of Moses, he being an Israelite), that the matters and things contained in the above suggestion are true to the best of their knowledge and belief.

Anthony C. Schley
NOTARY PUBLIC ~~Clerk of the Baltimore City Court~~

ORDERED by the Baltimore City Court this 26th day of

November, 1926, that the Record of Proceedings and copy of the Docket Entries

under seal in the above entitled case be transmitted to the Court of Common Pleas

Court of Baltimore City for trial.

Walter J. Dawkins

3/1/125

Verdict 114/12
66 95 445
26

Docket 59

Page 92

BALTIMORE CITY COURT.

Allie Brown

Plaintiff.

vs.

Ben Gold

and

Robert Munday
Defendant.

Copy of Docket Entries under Seal.

Lewis T. Evans
Attorney for Plaintiff.

Paul C. Joseph
Attorney for Defendant.

Filed _____ day of _____ 192

NOV 29 1926 FILED

In the Baltimore City Court.

September Term, 1926

Hellie Brown 8th Jan 1926 Was, Notice & Elec for
Jury Trial fd.
2 Copies Was, Notice sent
(Damages \$10,000).
Summoned Ben Gold, Was Est
as to Robert Hurdon.
Ben Gold vs.
and
Robert Hurdon Jan 13-1926 Renewed to Feb. R. d. 1926
for Robert Hurdon, Was Est.
Feb 10-1926 Renewed to Mar. R. d. 1926
for Robert Hurdon, "Summoned" etc.
12th Jan 1926 App under the act, as to Ben Gold, Rule Plea.
9th Mar 1926 App under the act as to Robert Hurdon, Rule Plea.
12th Mar 1926 App ~~at~~ for both defts.
12th Mar 1926 ~~at~~ Plea for both defts. issued.
20th Oct 1926 Jury sworn etc.

20th Oct 1926 Verdict in favor of the Pltff for \$3000. $\frac{00}{22}$
20th Oct 1926 Judgment on Verdict Was.
22nd Oct 1926 Motion by the defts for a New trial reasons fd.
30th Oct 1926 Motion by the defts for a New trial "Granted"
(Judge Hawkins)
26th Nov 1926 Suggestion + affdt of the defts for
removal fd. Same day Cause removed to the Court
of Common Pleas of Baltimore City for Trial.
Order of Court (Judge Hawkins) fd.

day of November 1926

Geo Harry Lindsay
Clerk of the Baltimore City Court.

T B

IN THE
Court of Common Pleas
~~BALTIMORE CITY COURT.~~

NELLIE BROWN

vs.

BEN GOLD AND ROBERT
MUNDON.

MOTION FOR NEW TRIAL.

Mr. Clerk:-

Please file, etc.,

St. James Street

ATTORNEY FOR DEFENDANTS.

DANIEL C. JOSEPH
11 E. LEXINGTON ST.
BALTIMORE, . . . MD

FILED NOV 5 - 1927

11/19/27
Armed

NELLIE BROWN

:

IN THE

vs.

:

~~BALTIMORE CITY COURT.~~

BEN GOLD and
ROBERT MUNDON.

:

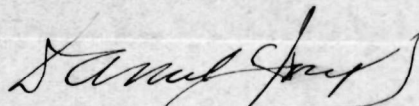
Court of Common Pleas

:

Now come Ben Gold and Robert Mundon, defendants, by Daniel C. Joseph, their attorney, and move for a new trial in the above entitled cause:

1. Because the verdict is against the evidence.
2. Because the verdict is against the weight of the evidence.
3. Because of newly discovered evidence.
4. Because of errors on the part of the Court.
5. Because of misconduct of the jury.
6. And for other and further reasons to be made known at the

hearing of this motion.



ATTORNEY FOR DEFENDANTS.

Third Panel.

SEPTEMBER TERM, 1927.

Eugene O'Dunne, Judge.

Docket.....

Page.....

COURT OF COMMON PLEAS

vs.

Jury Sworn.....1927

.....Foreman.

- CHARLES PARRAN BOND,
Tra. Salesman—816 N. Bentalou St.
- JOHN P. SCHUTZ,
Retired Merchant—3722 Winterbourne Road.
- TALBOT J. ALBERT,
Chemical Eng.—Garden Apartments.
- AUSTIN C. DERBY,
Bldg. Inspr., C. & P. Tel. Co.—6108 York Road.
- GEORGE W. NICKUM,
Auditor—2940 Harford Road.
- WILLIAM D. PETTICOED,
Pay Roll Clerk—1305 N. Central Ave.
- WALTER C. HAMMOND,
Credit Manager—4104 Ridgewood Ave.
- SIMON SCHLOSS,
Retired Merchant—1904 Eutaw Place.
- CARL H. BORN,
Bookkeeper—2704 Garrison Ave.
- PHILIP A. PROPF,
Shipping Clerk—2026 E. Lafayette Ave.
- G. GARDNER FRANCIS,
Salesman—1745 N. Bond St.
- CHARLES H. BRADENBAUGH,
Real Estate—3304 Auchentoroly Terrace.
- ~~ROBERT A. SMITH,~~
Real Estate—2206 Roslyn Ave.
- HARRY D. MITCHELL, JR.,
Salesman—3202 Belmont Ave.
- JOSEPH J. BAYER,
Clerk—934 Aisquith St.
- URBAN J. B. LINK,
Builder—2935 McElderry St.
- ROBERT A. SMITH,
Asst. Sales Mngr.—3501 Fairview Ave.
- BENJAMIN BENJAMIN,
Foreman—801 N. Broadway.
- WILLIAM L. UNDUCH,
Retired—Tudor Hall Apts.
- CLARENCE L. CHILDS,
1222 E. Lafayette Ave.
- MAX H. PAULUS,
Retired—1538 N. Broadway.
- FENTON BOGGS,
Real Estate—1408 Bolton St.
- WILLIAM R. COUGHLAN,
Bookkeeper—1618 E. Biddle St.
- JACKSON G. ANDERSON,
Architectural Draftsman—3700 N. Charles St.
- CHARLES C. WALKER,
Salesman—1722 N. Bond St.

Third Panel.

SEPTEMBER TERM, 1927.

Eugene O'Dunne, Judge.

Plaintiff

Docket.....

Page.....

COURT OF COMMON PLEAS

vs.

Jury Sworn.....1927

.....Foreman.

- CHARLES PARRAN BOND,
Tra. Salesman—916 N. Bentalou St.
- JOHN P. SCHUTZ,
Retired Merchant—3722 Winterbourne Road.
- TALBOT J. ALBERT,
Chemical Eng.—Garden Apartments.
- AUSTIN C. DERBY,
Bldg. Inspr., C. & P. Tel. Co.—6108 York Road.
- GEORGE W. NICKUM,
Auditor—2940 Harford Road.
- WILLIAM D. PETTICORD,
Pay Roll Clerk—1305 N. Central Ave.
- WALTER C. HAMMOND,
Credit Manager—4104 Ridgewood Ave.
- SIMON SCHLOSS,
Retired Merchant—1904 Eutaw Place.
- CARL H. BORN,
Bookkeeper—2704 Garrison Ave.
- PHILIP A. PROFF,
Shipping Clerk—2026 E. Lafayette Ave.
- G. GARDNER FRANCIS,
Salesman—1745 N. Bond St.
- CHARLES H. BRADENBAUGH,
Real Estate—3304 Anchenoroly Terrace.
- ~~ROBERT FRANK MAWDEE,
Real Estate—2206 Roslyn Ave.~~
- HARRY D. MITCHELL, JR.,
Salesman—3202 Belmont Ave.
- JOSEPH J. BAYER,
Clerk—934 Aisquith St.
- URBAN J. B. LINK,
Builder—2935 McElderry St.
- ROBERT A. SMITH,
Asst. Sales Mngr.—3501 Fairview Ave.
- BENJAMIN BENJAMIN,
Foreman—801 N. Broadway.
- WILLIAM L. UNDUCH,
Retired—Tudor Hall Apts.
- CLARENCE L. CHILDS,
1222 E. Lafayette Ave.
- MAX H. PAULUS,
Retired—1538 N. Broadway.
- FENTON BOGGS,
Real Estate—1408 Bolton St.
- WILLIAM R. COUGHLAN,
Bookkeeper—1618 E. Biddle St.
- JACKSON G. ANDERSON,
Architectural Draftsman—3700 N. Charles St.
- CHARLES C. WALKER,
Salesman—1722 N. Bond St.

In the
Ct. Com. Pleas.

Brown
vs.
Gold

Stff. Returns

Entd. at p. 40
JAN

OCT 27 1927 3 58 PM

RECEIVED AT
THE SPEAKERS OFFICE ON

11

IN THE COURT OF COMMON PLEAS

Sept Term. 1927

TO THE SHERIFF OF BALTIMORE CITY:

SUMMON

To Testify for

Brown vs Gold

returnable

Friday Oct 28, 1927 at 10 a m.

Issued

10/27 1927

James Y. Claypool Clerk.

66

NELLIE BROWN

:

IN THE COURT OF COMMON PLEAS

VS.

:

OF

BEN GOLD and
ROBERT MUNDON

:

BALTIMORE CITY

Mr. Clerk:-

XO
//
✓

JP Please issue summons duces tecum for Dr. William T. Coleman, 2039 McCulloh Street requiring him to be and appear in this Court and bring with him his records of the injury and treatment of Nellie Brown from Dec. 12, 1925 and have them before the Court at 10 A.M. Friday, October 28, 1927.

Davist Evans
ATTORNEY FOR PLAINTIFF

66

NELLIE BROWN : IN THE COURT OF COMMON PLEAS

VS. : OF

BEN GOLD and : BALTIMORE CITY.
ROBERT MUNDON :

Mr. Clerk:-

Please issue summons for the following persons and make the same returnable before the Court on the 28th day of October, 1927 at 10 A.M.

- ✓ 14 Jacob Terin *NE* 1401 Laurens St.
- 14 Eliza Winston *sd* 1514 Presstman St.,
- 14 Mary Gross *NE* *(Mortimer East)* 1365 Gilmor St.
- 14 Nellie Brown *SP* 1330 N. Fremont Ave.

Davis Evans
ATTORNEYS FOR PLAINTIFF

In the
Ct. Com. ; Plus.

Brown

RECEIVED AT
THE SHERIFF'S OFFICE OF

vs.

OCT 29 1927 12 32 PM

Gold and
Mundon

Shiffs. Returns

Printed at p 40
J.W.

IN THE COURT OF COMMON PLEAS

Sept Term 1927

TO THE SHERIFF OF BALTIMORE CITY:

SUMMON

To Testify for

Brown vs Gold et al

returnable

Monday October 31st 1927 at 10 a M.

Issued

10/29 1927

James F. Clappwell

Clerk.

66

NELLIE BROWN

:

IN THE COURT OF COMMON PLEAS

VS.

:

OF

BEN GOLD and
ROBERT MUNDON

:

BALTIMORE CITY

Mr. Clerk:-

Please issue summons for the following persons and
make the same returnable before the Court on the 31st day of
October, 1927 at 10 A.M.

14
14

EW
Eliza Winston
EW
Nellie Brown

1514 Presstman St.,
1330 N. Fremont Ave.,

Davis & Evans

ATTORNEYS FOR PLAINTIFF

PLAINTIFF'S ² PRAYER

The plaintiff prays the Court to instruct the jury that if they find from the evidence that on or about the 12th day of December, 1925 the plaintiff was injured by an automobile owned by the defendant Robert Mundon and operated by the defendant, Ben Gold, while said automobile was being operated by the said Ben Gold at or near to the intersection of Calhoun St. with Laurens St. public streets of Baltimore City, if the jury so finds and further finds, that the plaintiff ~~was~~ ^{was} injured ^{by said injury of 1925 as found} resulted directly from the want of ordinary care and prudence on the part of the defendant, Gold, and not for want of ordinary care and prudence on the part of the plaintiff directly contributing to the accident, then their verdict should be for the plaintiff, provided the jury finds that the defendant Gold was the servant of the defendant Robert Mundon ^{and acting in the scope of his} employment at the time.

Prayer as modified
Ed. - 1927

DEFENDANTS

7

PRAYER.

The jury are instructed that if they find from the evidence in this case, that the automobile of the defendant was being driven southerly on Calhoun Street, Baltimore, Maryland, at or near Laurens Street, at a reasonable rate of speed, and with reasonable care, and if the jury shall further find that the plaintiff walked or ran from the pavement of Calhoun Street in the way of said automobile, when it could not be arrested in its course, and under circumstances where with ordinary care on the part of the chauffeur in charge of said automobile, the automobile could not be brought to a pause early enough to save the plaintiff from injury, the defendants are not liable for the accident, and the verdict of the jury must be for the defendants.

Forced
NOV 3 1927

DEFENDANTS'

6

PRAYER

The jury are instructed that if they find that the taxicab of the defendants, mentioned in the evidence, was being driven southerly on Calhoun Street, Baltimore; and if the jury shall further find that the plaintiff, Nellie Brown, attempted to cross Calhoun Street at Laurens Street, at or about the time that said taxicab was passing over the intersection, and that in doing so said plaintiff suddenly ran or stepped from said street in front and in the way of said automobile when it could not be arrested in its course, and under circumstances where the chauffeur with the exercise of ordinary care did not and could not see the plaintiff in time to save her from injury, the defendants are not liable, and the verdict of the jury must be for the defendants.

granted
NOV 3 1927

DEFENDANTS'  PRAYER.

The jury are instructed that if they find from the evidence that negligence on the part of the plaintiff, Nellie Brown, directly contributed to the happening of the accident complained of, the plaintiff is not entitled to recover, even though the jury may believe from the evidence that the chauffeur of the defendant's taxicab was negligent in the operation of the taxicab mentioned in the evidence, and the verdict must be for the defendants.

Granted
NOV 3 1927

DEFENDANTS'

3

PRAYER.

The jury are instructed that if they find from the evidence that the plaintiff, Nellie Brown, was guilty of negligence which directly contributed to the happening of the accident mentioned in the evidence, resulting in her alleged injuries, the plaintiff is not entitled to recover, and the verdict of the jury must be for the defendants.

Grondel

NOV 3 1927

DEFENDANTS

/

PRAYER.

The jury are instructed that the burden of proof is upon the plaintiff to establish by a fair preponderance of affirmative testimony that the accident mentioned in the evidence, was caused by negligence on the part of the chauffeur of the defendant's taxicab; and if the minds of the jury are left by the evidence in a state of even balance as to whether or not the chauffeur of the defendant's taxicab was negligent in the operation of said taxicab, the verdict of the jury must be for the defendants.

Granted
NOV 3 1927

Brown
73
Gold }

Refused
Prayer

Ed 3 Nov 1927

DEFENDANTS'

4

PRAYER.

The jury are instructed that if they find from the evidence that at the time the plaintiff was struck by the automobile in question, she was crossing Calhoun Street below the intersection of said streets and that she was first seen by the chauffeur of said automobile at a time where with ordinary care on the part of said chauffeur, the automobile could not be brought to a pause early enough to save the plaintiff from injury, the defendants are not liable for the accident, and the verdict of the jury must be for the defendants.

Referred
NOV 3 1927
excludes question of speed
of 10-15 m. at crossing
+ He does consider
of his previous speed
making it then impossible
to stop in time
or →

DEFENDANTS' ✓ PRAYER.

The jury are instructed that if they find from the evidence that the alleged injuries of Nellie Brown resulted from an unavoidable accident, unmixed with negligence on the part of the chauffeur of the defendants driving the automobile referred to in the evidence, then the verdict of the jury must be for the defendants, and by negligence is meant failure to exercise such reasonable care as a reasonably prudent person would have exercised under like circumstances.

Referred
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DEFENDANTS *B* PRAYER.

The jury are instructed that as it appears from the uncontradicted evidence in the case that negligence of the plaintiff directly contributed to the happening of the accident complained of, the plaintiff is not entitled to recover, and the verdict of the jury must be for the defendants.

Refused

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DEFENDANTS' *A* PRAYER.

The jury are instructed that there is no evidence in the case legally sufficient to entitle the plaintiff to recover, and the verdict of the jury must therefore be for the defendants.

Refused
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