

GERTRUDE KEVE , MOTHER AND :
NEXT FRIEND OF ROBERT KEVE, :
INFANT :
vs :
HARRY MORSTEIN and : IN THE
ABRAM MORSTEIN : SUPERIOR COURT OF BALTIMORE CITY

THE DEFENDANT, Abram Morstein, in the above cause, by his counsel, moves the Court to grant him a new trial upon the issues joined in said cause for the following reasons:

1st Because the verdict rendered by the jury which was empaneled to try said cause on the 6th day of February, 1925 was against the instructions of the Court.


2nd. Because of errors in the instructions of the Court.

3rd Because of error in the ruling of the Court.

4th Because the verdict is against the evidence.

5th Because the verdict is against the weight of the evidence.

AND for other causes to be shown at the hearing of the motion.


Attorney for Defendant.

IN THE
SUPERIOR COURT OF BALTIMORE CITY

Gertrude Keve, Mother and
next friend of Robert Keve,
infant

VS

Harry Morstein and
Abram Morstein

MOTION FOR NEW TRIAL

Mr. Clerk:

Please file, etc.

Daniel Ellison

Attorney for Defendant

LAW OFFICES OF
DANIEL ELLISON
600 EQUITABLE BUILDING
BALTIMORE, MD.

Filed 9th Feb 1925

PLAINTIFF'S *W.* PRAYER

The Jury is instructed that probable cause is such reasonable ground of suspicion supported by circumstances sufficiently strong in themselves to warrant a cautious man in believing the party accused to be guilty.

Revised

PLAINTIFF'S 2nd PRAYER

The term of " Malice" in this form of action is not to be considered in the sense of spite or hatred against an individual, but of malus animus and as denoting that the party is actuated by improper and indirect motives.

Reponed

PLAINTIFF'S 328 PRAYER

The Jury is instructed that any deprivation of liberty of another, without his consent for any length of time, whether it be by actual violence, threats or otherwise, constitutes an imprisonment within the meaning of the law.

Referred

PLAINTIFF'S ^{4th} PRAYER.

The Plaintiff prays the Court to instruct the Jury that if the Jury shall find from the evidence that the Plaintiff was arrested and dismissed by the Magistrate at the Western Police Station on the charge of assault to rob and shall find that the defendants or either of them aided and assisted in procuring the arrest and prosecution of the Plaintiff under such circumstances as would not have induced a reasonable and dispassionate man to have undertaken such prosecution from public motives, then there was no probable cause for said prosecution and the jury may infer, in the absence of sufficient proof, to satisfy them to the contrary, that said prosecution was malicious in law and the verdict of the jury should be for the plaintiff.

Granted

PLAINTIFF'S ^{7th} PRAYER

The Plaintiff prays the Court to instruct the Jury that if they shall find a verdict for the plaintiff, they are at liberty to take into consideration all circumstances of the case and award such damages as will compensate the plaintiff for the wrong and indignity ~~as~~ has sustained in consequence of the defendants wrongful acts.

Granted

PLAINTIFF'S SIXTH PRAYER

The Plaintiff prays the Court to instruct the Jury that they are not bound to decide that the plaintiff had no right to be in the Moving Picture Parlör owned by Harry Morstein, even though he had no ticket, but that if the Jury believes that the plaintiff came merely to see Gertrude McCoy and had been accustomed to see Gertrude McCoy without any objection from the theatre management, then he, the plaintiff was not a trespasser.

Replied

DEFENDANT'S.

PRAYER

The Court instructs the Jury that there has been offered no evidence legally sufficient to entitle the plaintiff to recover against Harry Morstein, one of the defendants, and the verdict must be for Harry Morstein.

Amended

Gertrude Roe
R,

W.

Harry Moreton

— " —

Prayer offered at
close of Sabbath
& granted.

DEFENDANT'S ✓ PRAYER

The Court instructs the Jury that under the pleadings there has been offered no evidence legally sufficient to entitle the plaintiff to recover against Abram Morstein, one of the defendants, and the verdict must be for Abram Morstein.

FIRST Because there has been offered no evidence legally sufficient to establish want of probable cause.

SECOND And because there has been offered no evidence legally sufficient to establish malice.

THIRD And because there has been offered no evidence legally sufficient to prove that Abram Morstein prosecuted, or ^{voluntarily} aided and abetted in the prosecution of the charges mentioned in the Declaration.

FOURTH And because there has been offered no evidence legally sufficient to establish the acquittal of the plaintiff at the trial of the charge placed against him by Officer Flack.

Revised.

DEFENDANT'S ² PRAYER

The Court instructs the Jury that there was no evidence offered legally sufficient to entitle the plaintiff to recover against Abram Morstein ^{under} ~~on~~ the first count of the Declaration.

granted

DEFENDANT'S 4 PRAYER

The Court instructs the Jury that there was no evidence offered legally sufficient to entitle the plaintiff to recover against Abram Morstein, one of the defendants, and the verdict must be for Abram Morstein.

Revised

DEFENDANT'S 5 PRAYER

The Court instructs the Jury that if they believe from the evidence in the case that Abram Morstein at the time he told Officer Flack that Robert Keve struck Gertrude McCoy and that he believed Robert Keve attempted to rob the Cashier's booth, believed and knew of the existence of facts and circumstances which, if true, would incite in a reasonable mind the belief that the information given to Officer Flack was true, then they should find for the defendant, Abram Morstein, although they may believe that Abram Morstein was mistaken in so believing and that the plaintiff was not guilty of the charge to attempt to rob.

Granted

DEFENDANT'S 6 PRAYER

The Court instructs the Jury that before the Jury can find a verdict against Abram Morstein they must be satisfied that Abram Morstein had no probable cause to believe that the plaintiff had committed the assault upon Gertrude McCoy and the attempt to rob, and was actuated by malice and that burden of proof is on the plaintiff to show the absence of probable cause, that probable cause is the existence of such facts and circumstances as would incite the belief in a reasonable mind that the plaintiff was guilty of the charge preferred against him by Abram Morstein.

Granted

Kew

vs.

Abram Morstein

Granted prayers

The Court instructs the Jury that if they find from the evidence that Abram Morstein ^{was} while standing near the Cashier's booth in the moving picture parlor, 666 West Lexington Street, and that about 10:00 in the evening of December 15, 1923 he heard a commotion in the Cashier's booth and saw the plaintiff, Robert Keve run from the moving picture box; and if they further find that Gertrude McCoy, the ticket seller told Abram Morstein that Keve entered the Cashier's booth and reached for the money that was lying on the shelf; and in her efforts to prevent Keve from getting the money Keve struck her in the face; and if they further find that Abram Morstein reported the affair to the Police Officer Flack, and that upon the information Police Officer Flack, ~~he~~ placed the charges of assault and attempting to rob against Robert Keve, then there was probable cause for the prosecution of the charges against Keve by ^{Abram} ~~Henry~~ Morstein and the verdict must be for the defendant.

Revised

Keve

by

Abram Merstein

—

Refused prayers

—

Daniel Ellison
Depts. City

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2nd—3 Weeks January Term, 1925
(Beginning Monday, February 2, 1925)

left
15.00

Docket.....

Page.....

Page..... No.

Trial Calendar

Superior Court of Baltimore City

Lertude Steve mother & repr
friend of Robert Steve infant

vs.

Harry Morstein &
Abram Morstein

Jury Sworn Feb 6th 1925

Wm C. Goodwin Foreman

- 2 HARRY W. BRIM, 1022 Light St..... Merchant Tailor.
- 3 FRANK P. FAIRBANK..... 4307 Liberty Heights Ave.
Salesman, W. E. Arnold Co.
- ~~SAMUEL GOLDBERG..... 3701 Springdale Ave.
Salesman, Hecht Bros. & Co.~~
- 4 CHAS. A. EDBERG, 2113 Homewood Ave..... Merchant Tailor.
- ~~C. HARRY O'NEAL..... 2307 Elsinor Ave.
Mngr. Furniture Dept. Brager of Balto.~~
- 5 FRED B. EISENBRANDT..... Ridge Rd. and Cross Country Blvd.
Merchant.
- 6 JOSEPH G. DAUSCH, 36 N. Lakewood Ave..... Ice.
- 7 EDWARD F. FAITHFUL, 4107 Gwynn Oak Ave..... Decorator.
- 1 WM. C. GOODWIN, 218 N. Milton Ave.. Salesman, Goodwin & Irwin.
- ~~JOHN C. SCHWARTZ..... 1611 Chftview Ave.
Marble Cutter, Wm. R. Eberling.~~
- 8 FRANK F. EVANS..... 5201 Palmer Ave.
Clerk, Hochschild, Kohn & Co.
- ~~HARRY SCHILLING, Royalton Apts..... Clerk, Star Shirt Mfg. Co.~~
- 9 WM. M. CONNOR, 105 Garrison Lane..... Salesman.
- ~~THOS. E. BARKS, 3107 Windsor Ave..... Cigarmaker, Pfaff & Co.~~
- ~~ISIDOR BACHARACH..... 3905 Park Heights Ave.
Salesman, Bernheimer-Leader Stores.~~
- ~~WM. J. SHAMBERGER..... 2022 N. Fulton Ave.
Accountant, Frank, Rosenberg & Co.~~
- 10 HARRY KLAFF, 3422 Auchentoroly Ter..... Iron and Metal.
- ~~JAS. P. WILLIAMS..... 1608 N. Hilton St.
Asst. Secty. Western Md. Dairy, Inc.~~
- ~~JOSEPH MILLER, JR. 2831 Riggs Ave. Metal worker, Miller Bros.~~
- ~~LUTHER E. HARPER..... 3718 Roland Ave..
Clerk, Poole Eng. & Mach. Co.~~
- 11 THEODORE T. NENGEL..... 1928 W. Franklin St.
Clerk, C. J. Benson & Co., Inc.
- ~~CHESTER M. GOURLY..... 3701 Greenmount Ave.
Clerk, Balto. & Va. Steamboat Co.~~
- ~~LOUIS W. HOFFMAN, 1105 Mulberry St..... Paperhanger.~~
- 12 ANTHONY WATKINS..... 4400 Hawthorne Ave.
Printer, Hess Printing Co.
- ALBERT G. MADAIRY..... 3456 Seneca St.
Overseer, Mt. Vernon Woodberry Mills

J. Steward Davis
Pltffs. Atty

P

2nd—3 Weeks January Term, 1925
(Beginning Monday, February 2, 1925)

Docket.....

Page.....

Page..... No.

Trial Calendar

Superior Court of Baltimore City

*Gertude Sere, mother & next
friend of Robert Sere, infant*

vs.

*Harry Morstein &
Abram Morstein*

Jury Sworn *Friday Feby. 6* 1925 ⁵⁰

Wm. C. Goodwin Foreman

- 2 HARRY W. BRIM, 1022 Light St..... Merchant Tailor.
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Salesman, Hecht Bros. & Co.~~
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- 8 FRANK F. EVANS..... 5201 Palmer Ave.
Clerk, Hochschild, Kohn & Co.
- ~~HARRY SCHILLING, Royalton Appt. Clerk, Star Shirt Mfg. Co.~~
- 9 WM. M. CONNOR, 105 Garrison Lane..... Salesman.
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- CHESTER M. GOURLEY..... 3701 Greenmount Ave.
Clerk, Balto. & Va. Steamboat Co.
- ~~LOUIS W. HOFFMAN, 1105 Mulberry St. Paperhanger.~~
- 12 ANTHONY WATKINS..... 4400 Hawthorne Ave.
Printer, Hess Printing Co.
- ~~ALBERT C. MADAIRY..... 3456 Seneca St.
Overseer, Mt. Vernon Woodberry Mills~~

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GERTRUDE KEVE, mother and next friend :
of ROBERT KEVE, Infant, .

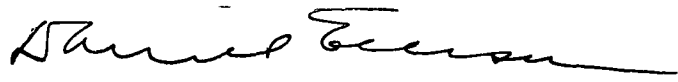
-vs-

HARRY MORSTEIN and
ABRAM MORSTEIN,

:
: IN THE SUPERIOR COURT OF
:
: BALTIMORE CITY.
:
:
:
:

The defendants, HARRY MORSTEIN and ABRAM MORSTEIN,
by DANIEL ELLISON, their Attorney, for a plea, say:

That they did not commit the wrongs alleged.



ATTORNEY FOR DEFENDANTS.

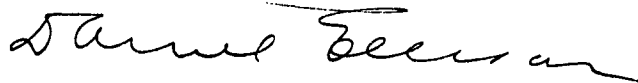
GERTRUDE KEVE, mother and next
friend of ROBERT KEVE, infant,

-vs-

HARRY MORSTEIN and
ABRAM MORSTEIN

:
:
: IN THE SUPERIOR COURT OF
:
: BALTIMORE CITY.
:
:
:

And the defendants, HARRY MORSTEIN and ABRAM MOR-
STEIN, pray a trial by jury.



ATTORNEY FOR DEFENDANTS.

IN THE SUPERIOR COURT OF
BALTIMORE CITY.

GERTRUDE KEVE, etc,

-vs-

HARRY MORSTEIN, et al.

PLEA AND PRAYER FOR JURY
TRIAL.

Mr. Clerk:-

Please file, etc.,

Daniel Ellison

ATTORNEY FOR DEFENDANTS.

LAW OFFICES OF
DANIEL ELLISON
600 EQUITABLE BUILDING
BALTIMORE, MD.

FILED APR 1 1924

(WRIT OF SUMMONS)

STATE OF MARYLAND,

BALTIMORE CITY, to wit:

TO THE SHERIFF OF BALTIMORE CITY, GREETING:

You are hereby commanded to summon.....

Harry Morstein and Abram Morstein

of Baltimore City, to appear before the Superior Court of Baltimore City, to be held at the Court House in the

same city, on the second Monday of..... March.....next, to answer

an action at the suit of..... Gertrude Keve Mother and next friend of

Robert Keve infant

and have you then and there this writ.

Witness, the Honorable JAMES P. GORTER, Chief Judge of the Supreme Bench of Baltimore City,

the..... 14th.....day of January.....192⁴

Issued..... 29th.....day of February.....192 4

Stephen C Little.....Clerk.

P. 262

You have been summoned to appear in Court on the Second Monday of March 1924. Personal attendance in Court on the day named is not required; but, unless within such number of days thereafter as the law limits, legal defense is made to the above mentioned suit, a judgment by default may be entered against you.

No.176..... 226/1924 Su. Ct.

Gertrude Keve, Mother and
next friend of Robert Keve
infant

vs.

Harry Morstein and

Abram Morstein

4209 Park Heights Ave

Writ of Summons

2 Copies

Copy of Nar, and Notice to Plead Within
to be served on Defendant.

J. Stewart Davis and
George W. Evans

Attorney.

Filed day of 192

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3-1-24
Brockwick

Reed & Co

John E. Potee
Shuff

Summons into and a copy of
Nar and Notice to Plead left with said
defendant

GERTRUDE KEVE, Mother and : IN THE SUPERIOR COURT
next friend of ROBERT KEVE,
Infant

VS. : OF
HARRY MORSTEIN and
ABRAM MORSTEIN : BALTIMORE CITY.

Gertrude Keve, mother and next friend of Robert Keve, infant, by J. Steward Davis and George W. Evans, her attorneys, sues Harry Morstein and Abram Morstein.

For that to wit: on the 15th day of December, 1923, the defendants assaulted and beat the plaintiff, gave him into the custody of an officer and caused him to be imprisoned in the Western Police Station.

That on the 15th day of December, 1923, the defendants falsely stated to an officer of the law of Baltimore City that the plaintiff had committed the crime of assault to rob and procured his arrest by charging him with assault to rob; that the plaintiff was arrested upon said charge and brought before one of the Police Justices of Baltimore City for the Western District; that the defendant appeared before said Magistrate and falsely stated that the plaintiff had committed the crime of assault to rob, that said charge was in fact false and the plaintiff on the hearing thereof at said Station, was acquitted and discharged. That the defendants made said charge from motives of malice; that there was no reasonable or probable cause for said prosecution; that said prosecution has injured the plaintiff's reputation and the plaintiff has also by reason of said premises been otherwise greatly damaged and injured in the loss of the hospitality of his friends and associates and other circumstances.

WHEREFORE the plaintiff claims \$10,000.00n damages.

J. Steward Davis & George W. Evans
Attorneys for Plaintiff

IN THE SUPERIOR COURT OF

176 BALTIMORE CITY ²²⁶
1924

GERTRUDE KEVE, mother and
next friend of ROBERT
KEVE, infant

VS.

HARRY MORSTEIN and
ABRAM MORSTEIN

4209 Park Heights Ave

BOX No. 2377

Mr. Clerk:-

Please file.

J. Steward Davis

George W. Evans

ATTORNEYS FOR PLAINTIFF

J. STEWARD DAVIS

ATTORNEY AT LAW

215 SAINT PAUL PLACE

BALTIMORE, MD.

JP 29th Feb 1924

17

226
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2/25/24

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

J. Steward Davis

George W. Evans

ATTORNEYS FOR PLAINTIFF.

TO THE DEFENDANT:

TAKE NOTICE: That on your appearance to this action in the Superior Court of Baltimore City, a rule will be entered requiring you to plead to the aforesaid declaration within thirty days thereafter.

J. Steward Davis

George W. Evans

ATTORNEYS FOR PLAINTIFF.

IN THE SUPERIOR COURT OF
BALTIMORE CITY

GERTRUDE KEVE, Mother and
next friend of ROBERT KEVE,
Infant

vs.

HARRY MORSTEIN and
ABRAM MORSTEIN
