

VERDICT FOR THE PLAINTIFF

Interesting Mock Trial of an Accident
Suit at Which Magistrate Brenner

Presided.

A mock court case, conducted under the auspices of the Zion Literary Club, was tried last evening before Police Magistrate Brenner and a jury in the Fourth District Municipal Court on Howard avenue and Madison street. The style of the case was, Milton Mendel, administrator, etc., of Bertha Mendel, against the Long Island Railroad Company, the plaintiff suing for \$10,000 for the death of his infant child. The testimony showed that the child was killed in a crossing accident at Bedford and Atlantic avenues, December 5, 1899, the delivery wagon belonging to her father being struck by a passenger train at that point. Another child of the plaintiff was also represented to have been killed at the same time, and the driver of the wagon was seriously injured. The plaintiff charged that the accident was due to the negligence and carelessness of the defendant. Benjamin Frindel and Levi Rich were counsel for the plaintiff and George Inteman and Harry Zirn appeared for the defendant. The following jury was selected: David Harrison, G. Mendel, Harry Prenskey, L. Schwartz, Charles Kemp, H. Sokolow, Isador Dreynitz, S. Grassman, Harry Benowy, Harry Sherman, Ira L. Rosenson and Henry C. Price. The plaintiff summoned the following witnesses: E. A. Wack, driver of the wagon; J. Manne, owner of the driving academy; B. Besdine, a passer-by; Miss Kate Lokolow, the children's nurse, and Milton Mendel, the plaintiff.

The witnesses who saw the accident agreed that the locomotive did not have a headlight; that no bell was rung or whistle blown, and that the gates were not closed. Several of the witnesses were closely cross examined by defendants' counsel and two or three of the jurymen manifested a disposition to take a hand in the examination until Judge Brenner suggested that this tended to prolong the trial unnecessarily.

The defendant called as witnesses Barney Zerinsky, a passerby; Joseph Annenberg, a passerby; Sam Rosen, the engineer; Sam Blecker, the gateman, and Hyman Stern, a passerby. The defense was that the bell and whistle of the locomotive were sounded; that the driver of the wagon attempted to cross the tracks while the gates were being closed and that he was intoxicated. The examination of the witnesses lasted until after 11 o'clock and then Judge Brenner charged the jury briefly. After a short deliberation the jury brought in a verdict in favor of the plaintiff, with an extra allowance of 5 per cent. Jacob Schaack acted as clerk of the court and all of the testimony was taken by Court Stenographer Charles Christman.