

MOORE v. WILSON.

5-478

272 S. W. 2d 316

Opinion delivered November 8, 1954.

AUTOMOBILES—CONTRIBUTORY NEGLIGENCE—QUESTIONS OF LAW AND FACT
—RULES OF TRAFFIC, VIOLATION OF.—Where reasonable men might
 conclude that appellee was not careless in assuming other driver
 would obey stop sign, she was not contributorily negligent as a
 matter of law.

Appeal from Mississippi Circuit Court, Osceola Dis-
 trict; *Zal B. Harrison*, Judge; affirmed.

Claude F. Cooper, for appellant.

D. Fred Taylor, Jr., and *Ralph E. Wilson*, for ap-
 pellee.

GEORGE ROSE SMITH, J. This dispute results from a
 traffic collision which occurred in Osceola last November.
 Louise Moore, the defendant, appeals from a \$700 judg-
 ment representing the property damage sustained by the
 plaintiffs, Ralph and Mary Ann Wilson. The only issue
 here is whether Mrs. Wilson, who was driving the Wilson
 car, was contributorily negligent as a matter of law.

On the day in question Mrs. Wilson was driving along
 Hale Avenue, which is a through street protected by stop
 signs. As Mrs. Wilson neared the intersection with
 Grandview Street she saw the defendant's car approach-
 ing from the right. The latter vehicle slowed down, and
 Mrs. Wilson assumed that it would stop. The defendant
 did not stop, however; she drove into the intersection in
 front of the Wilson car. Mrs. Wilson applied her brakes
 and swerved to the left but was unable to avoid the colli-
 sion. She testified that Mrs. Moore admitted at once
 that she had been at fault. Mrs. Moore denies having
 made this admission, but she does concede that she did
 not stop before entering Hale Avenue. Her version is
 that she slowed almost to a stop, saw nothing coming,
 and was crossing Hale Avenue when her car was struck.
 We think the evidence amply sufficient to support the
 verdict, for reasonable men might well conclude that Mrs.
 Wilson was not acting carelessly in assuming that the
 other driver would obey the stop sign.

Affirmed.