

Given & Refused Charges

no 2109

Charles W. Harris

vs.

Charles Cohen

Given for  
H.M. Judge

2. I charge you, gentlemen of the jury, that the driver of a car, desiring to make a left-hand turn between intersections, should exercise extra precautions before attempting the left turn, in order to see that such turn may be made in safety.

3. If you are reasonably satisfied from the evidence in this case that the driver of the plaintiff's automobile saw the defendant prior to making a left-hand turn across the highway in front of the defendant, and you are further satisfied from all of the evidence in this case that the driver of the plaintiff's automobile consciously made a left turn across the highway with reckless indifference to the consequences of such turn and with knowledge that her conduct would probably result in injury or damage to the defendant, then your verdict should be for the defendant.

*Grove*  
*Michael J. J.*

4. The court charges the jury that a person driving an automobile is presumed to be the agent, servant or employee <sup>of the owner</sup> thereof, and presumed to be acting within the line and scope of his or her employment as such agent, servant or employee, and to overcome such presumption the burden is upon the owner of such automobile to reasonably satisfy you by the evidence that the contrary is true.

*Given  
Hurtall*

5. I charge you, gentlemen, that there is no evidence of any intentional or wanton negligence on the part of the defendant.

Refused  
Mustee  
Judge