

Alice J. Duck, Circuit Clerk

Barlowe County
BAY MINETTE, ALA.

Refused
Charges

Johnson
vs.

Coleman

Spring

1949

~~W. M. Duck~~

The court charges the jury that it was the duty of the defendant not to operate said automobile upon said highway at a greater rate of speed than was reasonable and proper at said time and place, and, if the jury should believe from the evidence that the plaintiff did operate his machine on such highway at said time and place at a speed greater than was reasonable and proper, and should further believe that his machine collided with that of plaintiff, then the law is for the plaintiff, and the jury should so find, unless the jury should further believe from the evidence that such rate of speed was not the proximate cause of the plaintiff's injuries.

~~Refused~~
Refused
Joseph J. Maslowski
Judge

2.

The court charges the jury that, in determining whether the defendant was guilty of negligence at the time the automobile he was then using collided with the automobile of the defendant, you may take into consideration the rate of speed he was then driving such automobile, the manner in which he was operating the same, whether he had proper and reasonable lights thereon to enable him to see objects that might and did come in the path and course he was traveling in time to avoid colliding with and hitting them, and whether he could see objects or obstructions ahead of him on account of any light that might be shining or thrown in his face, and whether he was driving such automobile at a faster rate of speed than he could bring said automobile to a standstill within the distance that he could plainly see objects and obstructions ahead of him, together with all other facts and circumstances shown by the evidence and testimony of this case.

*Refused
 J. J. Marlbrough
 Judge*

3

The court charges the jury that no person driving or in charge of any automobile on any public highway has a legal right to drive the same at any speed greater than is reasonable and proper, having regard to the traffic and use of the street by others, or so as to endanger the life and limb of any person; and, if you find from a fair preponderance of the evidence in this case that the defendant at the time the automobile he was using collided with the automobile of the Plaintiff, said defendant was driving the automobile in his charge at a speed greater than was reasonable and proper, having regard to the traffic and use of said street where he was then driving said automobile, by other persons and the public, or was then and at that place driving such automobile at such a rate of speed as to endanger the life and limb of any other person, and because of such rate of speed you further find that the plaintiff was injured, then you are instructed that the defendant would be liable for the consequences of such rate of speed at such time and place.

Refused
Subject of Massachusetts

1. I charge you gentlemen of
the jury that the violation of
a statute is negligence per se
and one proximately injured
thereby may recover therefor
against the violator of the
statute.

Refused
Jesse J. Madlbury, Jr.
Judge

3 I charge you gentlemen of
the jury that if the plaintiff
suffered his damages as a
proximate result of an
unavoidable accident you
should find for the defendant

Refused
J. Fair J. Washburn Jr
Judge.

6

I charge you gentlemen
of the jury that if you
believe the evidence in
this case you should
quit for the defendant

Refused

Jelfair A. Mashburn Jr.
Judge

7

I charge you Gentlemen
of the jury that unless the
defendant Lemmie Coleman, did
or omitted to do something
which a reasonably prudent
person similarly situated
would not have done, and
such proximately caused
the damage complained of
you should find for the
defendant Lemmie Coleman

Refused
J. Fair J. Marlbury, Jr.
Judge.