

1133

Coleman
vs
Johnson

Seven
Charges

Given
Defendant's motion
Judge

The court charges the jury that if you find from a fair preponderance of the evidence in this case that the defendant was operating his automobile on a public highway and at such time and place was driving his automobile at such a rate of speed greater than was reasonable and proper that by reason thereof a collision occurred with the plaintiff, the said defendant would be liable for the consequences of such a rate of speed at such a place.

2 I charge you Gentlemen
of the jury that the degree
of care to be used by
the driver of an automobile
upon the highway is that
which a reasonably careful
and prudent man would
use under like circumstances.

Given

Jelfair J. Mashburn
Judge

Driver
Suffering. Washington
Judge.

The negligence of the driver of a vehicle in failing to comply with the law requiring lights is not of itself actionable, nor will such negligence preclude recovery for injuries sustained in an automobile accident, if it is not the proximate cause of the accident, otherwise if the failure to carry the required lights is the proximate cause of the injury.

Given

John J. Massaburn Jr.

I Charge you Gentlemen of
the jury that if you believe
from the evidence in this case
that the plaintiff at the time
and place the alleged injuries
was operating his said automobile
without a proper tail light he
was guilty of negligence, and I
further charge you that if such
negligence was the proximate cause
of the damage complained of you
should find for the defendant

5

The court charges the jury that contributory negligence by the Plaintiff in this case which will bar his recovery must be such as that it caused the injury complained of or proximately contributed thereto, and even though you find from the evidence that the negligence of the plaintiff, if there was such negligence, was merely the cause of a condition upon which the negligence of the defendant or its employees in failing to use the means within their power to avoid the injury after becoming aware of the plaintiff's peril, operated as the sole proximate cause of the injury complained of, such negligence on the part of the plaintiff, if you find that there was such negligence, will not prevent a recovery.

Given
J. F. M. M. M. M. M.
Judge

5
Sincere
Respectful
Attention
to
Details

I charge you Gentlemen of the
jury that where the negligence
of one person concurs or
coalesces with that of another
and the two combine to
produce accident, negligence of
each is deemed proximate
cause of injury

6

The court charges the jury that the test of control is the ability to stop quickly and easily. When this result is not accomplished, the inference can readily be made that the car was running too fast or that proper effort to control it was not made.

*Given
J. J. Marshall
Judge.*

18

I Charge you Gentlemen
of the jury that if you
believe the evidence in this
Case you should find for
the defendant under Count
2 of the Complaint.

~~Refused~~ Given:
Jeffrey J. Matheson, Jr.
Judge.

Given
Defendant J. Maslbury, Jr.
Judge.

8
The court charges the jury that it is not enough that a driver be able to stop within the range of his vision or that he use diligence to stop after discerning an object. The rule makes no allowance for delay in action. He must, on peril of legal negligence, so drive that he can actually discover an object, perform the manual acts necessary to stop, and bring the car to a complete halt within such range, if necessary, to avoid collision with and injury to others on the highway. If blinded by the lights of another car, so that he cannot see the required distance ahead, he must, within such distance from the point of blinding, bring his car to such control that he can stop immediately, and, if he cannot then see, shall stop.

