

1227,

Paul

VS.

Lavery

Refused

Refused
Jelfair J. Mashburn Jr.
Judge.

12. I charge you Gentlemen of the jury that if you believe from the evidence that if the plaintiff after discovering the defendant in a place of peril, or by the use of reasonable diligence could have discovered the defendant in a place of peril in time to have avoided the collision, you should find for the defendant.

~~Refused~~ before
J. F. Marshall
Judge.

13. I charge you Gentlemen of the jury that if you believe from the evidence in this case that the Plaintiff after seeing the defendant in a position of imminent danger, or by the exercise of reasonable care could have seen the defendant in a position of imminent danger, in time to avoid the collision, and did nothing to avoid the collision, then you should find for the defendant.

Refused
Zelfair J. Masliburn, Jr.
Judge

1. I charge you Gentlemen of the jury that unless you are reasonably satisfied from the evidence that the Defendant did or omitted something on the occasion complained of which a reasonably prudent person similarly situate would not have done and this proximately caused damage to the Plaintiff, your verdict should be for the Defendant.

2. I charge you Gentlemen of the jury that if you believe from the evidence that the Plaintiff's damages were the proximate result of an accident, you should find for the defendant.

Refused
Selfair A. Washburn, Jr.
Judge

6. I charge you Gentlemen of the jury that if you believe from the evidence that the plaintiff sustained his damages as the proximate result of a mere accident, it is your duty to return a verdict in favor of the defendant.

Refused
Jesse J. Mathews, Jr.
Judge

10. I charge you Gentlemen of the jury that if the defendant was suddenly put in peril without having time to consider all the circumstances, he is excusable for omitting some precaution or making an unwise choice under this disturbing influence, although if his mind had been clear he ought to have done otherwise.

Refused
Walter J. Mashburn, Jr.
Judge

✓
4. I charge you Gentlemen of the jury that a man under sudden excitement or peril is only required to exercise such care as an ordinarily prudent man would have exercised such degree of care, then, in that, he is not guilty of negligence.

Refused
J. J. Massabury Jr.

Refused
Jelfair H. Mashburn, Jr.
Judge

7. I charge you Gentlemen of the jury that before the plaintiff can recover for wanton negligence, there must be shown facts evidencing an intention to do or not to do an act with knowledge of its probable consequence's.

A.

I Charge you Gentlemen
in the jury that you
believe the evidence in
this case you should find
for the defendant

Refused
Jeffrey J. Marshburn, Jr.
Judge

Refused
Jefing. Mableburus Jr.
Judge.

11. I charge you Gentlemen of the jury that, where one, without fault on his part, is placed in a position of great mental stress or sudden emergency, the same degree of judgment and care is not required of him as is required of one who is acting under normal conditions. The test to be applied is whether or not the person in such a position did or attempted to do what a reasonably prudent person would have done under like circumstances. If, therefore, you find from the evidence in this case that the defendant, without fault on his part, was placed in a position of great mental stress or sudden emergency and while in such a position he did or attempted to do what any reasonably prudent person would have done under the same or similar circumstances you should find for the defendant.