

1223

Law

VS

Lowery

Given

5. I charge you Gentlemen of the jury that if the Plaintiff, on the occasion complained of, acted in a manner which an ordinarily prudent person would have not acted, and this conduct was the cause of, or contributed materially to his damages, he cannot recover, and your verdict should be for the defendant.

Given  
Jesse J. Maslibury, Jr.  
Judge

3. I charge you gentlemen of the jury that if you believe from the evidence that the Plaintiff was guilty of negligence which proximately contributed, even in the slightest degree, to his injury, you must return a verdict for the Defendant.

*Given*  
*Selfour J. MacLennan, Jr.*  
*Judge.*

9. I charge you Gentlemen of the jury that though the defendant may have been guilty of negligence in the first place, if that the plaintiff discovered the defendant, or by the exercise of reasonable diligence could have discovered the defendant in peril and did, or failed to do something which a reasonably prudent person would have done under like circumstances you should find for the defendant.

*Given*  
*Walter J. Marshall*  
*Judge*

8. I charge you Gentlemen of the jury that if you believe from the evidence that the plaintiff by the exercise of reasonable prudence could have avoided the accident you should find for the defendant.

*Given*  
*Telfair J. Masliberry Jr.*