

1421

Benjamin Scheiner
vs
David Mc Lemore

Gwen Charges

ALICE J. DUCK, Circuit Clerk

Baldwin County

BAY MINETTE, ALA.

D-10.

I charge you gentlemen of the jury that the driver of a vehicle upon a highway about to be overtaken and passed by another vehicle approaching from the rear, shall give way to the right in favor of the overtaking vehicle upon suitable and audible signal being given by the driver of the overtaking vehicle. .

Suven

Telfair J. Mashburn, Jr.
Judge

D-11.

I charge you gentlemen of the jury that if you are reasonably satisfied from the evidence that the defendant, as his car was about to overtake and pass the plaintiff from the rear, gave a suitable and audible signal, and that the plaintiff heard such signal and you are further reasonably satisfied from the evidence that after hearing said signal the plaintiff failed to give way to the right in favor of the defendant, and that the failure of the plaintiff to give way to the right in favor of the defendant was the proximate cause of the injury to the plaintiff and the damage to the plaintiff's car, then the plaintiff was guilty of contributory negligence.

Signed
Selfair J. Madhury Jr.
Judge.

D-12. I charge you gentlemen of the jury that if you are reasonably satisfied from the evidence that the plaintiff pulled to his left across the center line of the road, and are further reasonably satisfied from the evidence that at the time the plaintiff pulled to his left the plaintiff knew that the defendant was in the act of overtaking and passing the plaintiff, that the plaintiff was guilty of contributory negligence, and if you are further reasonably satisfied from the evidence that such contributory negligence was the proximate cause of the plaintiff's injury and damage, you cannot return a verdict for the plaintiff unless you are further reasonably satisfied from the evidence that the defendant, after discovering the plaintiff's peril, failed to use all means within his power to prevent injury to the plaintiff or damage to the plaintiff's vehicle.

Guere

*Jeffrey J. Maddebury, Jr.
Judge.*