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Noble vs. Smith

Refused Charges

1. The Court charges the jury that you must find for the defendants.

Refused
Zel fair J. Maslebury Jr.
Judge

2. The Court charges the jury that you cannot find for the plaintiff under Count Two of the complaint.

Refused
Jefair J. Masliberry Jr.

4. The Court charges the jury that the driver of a truck or moving van is not bound to anticipate that an approaching vehicle will cut suddenly across the center of the highway and attempt to drive said vehicle on its wrong side of the highway.

Refused
Selfair J. Maslebury, Jr.

5. I charge you, gentlemen of the jury, that if you believe from the evidence that ^{was guilty of} negligence which proximately contributed, even in the slightest degree, to the injuries sustained by him, you cannot return a verdict for the plaintiff under count one of the complaint.

Refused
J. Fair J. Masliburn, Jr.
Judge

7. The court charges the jury that if you are reasonably satisfied from the evidence that John Thomas Smith was driving the truck or moving van of Howard Hall Company in a careful and prudent manner, and that plaintiff's intestate suddenly drove his truck across the highway in front of said moving van, so that the said John Thomas Smith could not avoid a collision with the truck driven by plaintiff's intestate, you cannot find for the plaintiff.

Refused
J. J. Madison, Jr.

8. The Court charges the jury that the mere happening of the accident complained of raises no presumption of negligence on the part of either defendant; the burden is upon the plaintiff to establish by a fair preponderance of affirmative evidence that negligence on the part of the defendant Smith caused said accident, and if the minds of the jury are left by the evidence in a state of even balance as to the existence of such negligence, then the verdict of the jury must be for the defendants.

~~Refused~~ Refused
J. Fair J. Prosser, Jr.
Judge

9. The Court charges the jury that if you are reasonably satisfied from the evidence that through inadvertance, inattention, forgetfulness, absent-mindedness, or carelessness plaintiff's intestate placed himself in a position of obvious danger, without necessity therefor, plaintiff's intestate would be guilty of such contributory negligence in this case as to bar a right of recovery under Count One of the complaint, if you are further reasonably satisfied from ~~the~~ evidence that such negligence proximately contributed to his injuries.

Refused
J. Fairbank Masliburns Jr.
Judge

11. The Court charges the jury that no person should put himself in peril, and if he negligently does so, the duty of active effort to avert injury is as binding on him as is the duty of other persons to avoid injuring him.

~~Agree~~ Refused
J. Fair J. Madlebury Jr.
Judge