

CHARGE NUMBER 1

The Court charges the jury that it is undisputed that Gertrude McClard was the owner of the McClard vehicle and that she was present in said vehicle at the time and place of the accident and that her husband was the driver of the same and I charge you, as a matter of law, under these facts, Gertrude McClard may be charged with the negligence of her husband in the operation of the vehicle, if any, and I further charge you that if you find from the facts in this case that the Plaintiff, Jesse McClard, so negligently operated the McClard vehicle so as to proximately contribute to the injuries received by Gertrude McClard, then you cannot return a verdict for the Plaintiff, Gertrude McClard.

*Refused*  
*Jesse J. Maskeburn*  
*Judge*

PLAINTIFF'S REQUESTED INSTRUCTION NO. 1

You are instructed that the statute further restricts the speed of motor vehicles at the time and location in question to 45 miles per hour in all events. Any speed in excess of that limit would be negligence regardless of the road conditions.

*Refused.*  
*Jeffery J. Macleod*  
*Judge.*

PLAINTIFF'S REQUESTED INSTRUCTION NO. 2

You are instructed that at the time of the accident involved in this action the law of this state provided"

Any person who drives any vehicle upon a highway carelessly and heedlessly, in willful or wanton disregard of the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property shall be guilty of reckless driving.

If you find from the evidence that as defendant approached the scene of the accident, and at the time of the accident, he was driving his automobile in so negligent a manner as to indicate either a wilful or wanton disregard of the safety of persons or property, then in either of these events the defendant was negligent as matter of law..

*Refused*  
*Julian J. Masterson*  
*Judge*

PLAINTIFF'S REQUESTED INSTRUCTION NO. 3

The court instructs the jury that the position of plaintiff at the time and place referred to in the evidence was a position of peril and if you believe from the evidence that that position of peril would be obvious to a reasonable person operating an automobile under similar circumstances to those referred to in the evidence in this case, and if you believe from the evidence that such position of peril was obvious to defendant and further believe from the evidence that the defendant saw or by the exercise of ordinary care could have seen the position of plaintiff a sufficient distance ahead of his automobile that by the exercise of ordinary care and the use of the means at his command defendant could have stopped his automobile or changed its course in time to have avoided striking plaintiff and defendant negligently failed so to do, then the law in this case is for the plaintiff, and you will so find.

*D. J. Mason*  
*D. J. Mason*  
*Judge*