No 1549

W. W. Graham

vs.

Town of Fairhope et al

Given Charges

Plaintiff

Given
Delfair J. Marlborough, Jr. - Judge.

1. The Court charges the jury that a municipal corporation, when engaged in the construction or maintenance of its streets, is engaged in a corporate and not a governmental act and when so engaged, it is liable for the torts of its officers, agents, servants or employees, whether from malfeasance or misfeasance when committed within the line and scope of their authority.

2. The Court charges the jury that a municipal corporation, when engaged in the construction or maintenance of its streets, is engaged in a corporate and not a governmental act and when so engaged, it is liable for the torts of its officers, agents, servants or employees suffered or done within the line and scope of their authority.

Given,
Talfair J. Maddox, Jr., Judge.

3. The Court charges the jury that if you are reasonably satisfied from the evidence in this case that the Town of Fairhope was engaged at the time and place of the plaintiff's injuries in constructing or repairing a street and that Louis Timney was then and there an agent, servant or employee of the said town, acting within the line and scope of his authority, the Town of Fairhope is liable to the plaintiff for the negligent act or acts of the said Louis Timney, resulting in plaintiff's injury.

Given
Jefferson
Madden Torrie, Jr.
Judge.