

Rice
VS
Walker

Given Charges

4. The Court charges the jury that a sheriff who has seized property under an order in a detinue suit is bound on the expiration of ten days from the seizure, if the Plaintiff in the detinue suit fails to take it into possession by the execution of a forthcoming bond, to restore it to the possession of the defendant. The Court further charges the jury that this restoration is an official act and that a failure to perform this duty is a misfeasance, involving the sheriff and his sureties on his official bond in liability

for the damages the party aggrieved may sustain, which damages are the market value of the property taken, at the time of the taking.

*Exhibit
17-11-18
17-11-18*

5. The Court charges the jury that it was not necessary for the Plaintiffs in this case to make a demand for the return of their property in order to recover under the complaint in this case.

Wm. H. Miller
Just

The Court charges the jury that if any of your number is not reasonably satisfied from the evidence that the plaintiff is entitled to recover, you cannot find a verdict for plaintiff.

Given
H. H. H. H. H.
Judge

The Court charges the jury that they are the sole judges as to whether any damages are to be awarded in this case, and if you, or any of you, are not reasonably satisfied from the evidence that the plaintiff ought to recover, then you must find for the defendants.

*Given
H. H. H. H.
J. H. H.*

The Court charges the jury that if, after a fair consideration of all the evidence your minds are left in a state of confusion as to whether or not plaintiff is entitled to recover, you cannot find for plaintiff.

*Given per
H. H. Jones*

Kies
H S
Walton

Refused Charges

2. The Court charges the jury that if you believe the evidence in this case you must find for the Plaintiffs and fix their damages as the value of the property described in the complaint, at the time of the taking.

*Refused
17th Dec 1964*

Refused
10/11/11
Jury

1. The Court charges the jury that if you believe the evidence in this case you must find for the Plaintiffs.

3. The Court charges the jury that the element of damages in this case is the full value of the property described in the complaint, at the time of the taking.

Refused to answer

I charge you gentlemen of the jury that if the plaintiff said in effect that S. A. Brown who was the plaintiff in a detinue suit to recover the bulldozer under a chattel mortgage could take the bulldozer, and the bulldozer was so taken by the said S. A. Brown, plaintiff is not entitled to recover in this action.

Refused
Ward

I charge you gentlemen of the jury that if the property alleged to have been levied upon remained at the place where it was while in the sole custody and control of the plaintiff, and was not moved therefrom by the defendant, his agents, servants, or employees, then in that event plaintiff was not deprived of its use by the defendant and plaintiff is not entitled to recover.

*Refused
Jury*

I charge you gentlemen of the jury that if you believe the evidence in this case you must find for the defendant.

*Refused
to answer
just*

The Court charges the jury that if you believe from the evidence that the plaintiff in this cause suffered no damages, then the plaintiff is not entitled to recover.

*Refused
/ then see
Judge*

I charge you gentlemen of the jury that if you are reasonably convinced from the evidence that the bulldozer was not removed from the location at which it was placed by the plaintiff at the direction of the defendant, or by his agents, servants, or employees, or at their direction, you must find for the defendant.

*Refused
1/11/1911
J. C. [unclear]*

I charge you gentlemen of the jury that if you are reasonably satisfied from the evidence that at the time of the alleged levy on a bulldozer and truck belonging to the plaintiff in an action instituted by S. A. Brown that the property was left in the location at which it was placed by the plaintiff, and not removed from his possession, and that when removed from the possession of the plaintiff, it was done by persons other than the defendant and over whom the defendant had no control and without his knowledge, you must find for the defendant.

*Refused
Hudson
judg*

I charge you gentlemen of the jury that if you are reasonably satisfied from the evidence that at the expiration of the time for filing a forthcoming bond, the property was still in the location at which it was placed by the plaintiff, and that plaintiff would not have been prevented from assuming possession and control thereof by the defendant, you must find for the defendant.

*Refused
1/11/1911
J. W. P.*