

D 1

The Court charges the jury that unless you find there was a defect in the circular saw being used by the Plaintiff in that the lumber guard to said saw was improperly attached, you cannot find for the Plaintiff.

Given,  
Jefair J. Madeline  
Judge

D 2

The Court charges the jury that the Plaintiff has alleged that he was injured while working as an employee of the Defendant and while acting within the line and scope of his employment, therefore, you must be reasonably satisfied that the Plaintiff was authorized or directed by the Defendant or some person delegated with the authority of the Defendant in his behalf to use the saw referred to in the Complaint, or you cannot find for the Plaintiff.

Givens,  
Judge, Mansfield  
Judge.

D3

The Court charges the jury that in arriving at a verdict in this cause you may give due consideration to the fact that the Defendant was not present on the day the injury is alleged to have occurred if you are reasonably satisfied that this is true.

Refused,  
Jefairy, Madelbourn,  
Judge

D4

The Court charges the jury that if you believe from the evidence that the Plaintiff was employed by the Defendant as a box maker and was not employed to work with the saw as alleged in the Complaint, and that the said Plaintiff was not directed by any person authorized by the Defendant to use the saw referred to in the Complaint, then your verdict must be for the Defendant.

Given,  
Zelmer J. Madson  
Judge

15

The Court charges the jury that you must give consideration to the following facts: Was there a defect in the condition of the ways, works, machinery, or plant connected with, or used in the business of the master or employer, in this instance a defective lumber guard to the circular saw of the Defendant; if there was such defect, was the defect set out in the Complaint known to the Defendant or some other person entrusted by him with the duty of care of said circular saw, or was the Defendant or some person entrusted with the duty of the maintenance of the saw negligent in not discovering or remedying a defect; was the Plaintiff working as an agent, servant or employee of the Defendant acting within his line and scope of his employment performing his duties as such agent, servant or employee; and if you are not reasonably satisfied that these propositions are all answerable in the affirmative, you must find for the Defendant.

Given,  
Jefair J. Macleburn  
Judge.

1.

The Court charges the jury that if you are reasonably satisfied from the evidence in this case that the plaintiff's automobile was in the inner or left lane, some distance behind the trailer truck operated by James Ralph Davis, both going in a westerly direction; that the plaintiff was overtaking said truck which had slowed down and which was then in or partly in the right lane; that when the plaintiff's car was seventy-five (75) to one hundred (100) feet back, the truck without warning or signal turned suddenly from the right lane to the left lane across the projected path of the plaintiff's car; and that confronted with the emergency, the plaintiff applied her brakes and cut to the right and skidded into the rear of the trailer-truck operated by Mr. Davis, then the defendant, James Ralph Davis, was guilty of wantonness.

*Refused*  
*Debra J. Masliburn*  
*Judge*

The court charges the jury that to constitute wantonness it is not essential that the defendant should have entertained a specific design or intent to injury the plaintiff. A wilful or intentional act may not necessarily be involved in wantonness. It may consist of an inadvertent failure to act by a person with knowledge that someone is probably imperiled and the act or failure to act is in reckless disregard of the consequences.

*Refused*  
*Walter J. Madison*  
*Judge*

The Court charges the jury that contributory negligence, if any, of the plaintiff, is no defense to a count for wanton conduct.

*Given,  
Deafair J. Mathison  
Judge.*





The Court charges the jury that if you are reasonably satisfied from the evidence in this case that the defendant, James Ralph Davis, was conscious that the plaintiff was in a position of danger or that he had knowledge that she, though not seen, was likely to be in a position of danger, and ignored the consequences and heedlessly or recklessly disregarded the danger and turned across the highway immediately in front of the plaintiff without looking to see if the plaintiff was in a place where the defendant should have anticipated such a condition of danger, such conduct on the part of James Ralph Davis would amount to wantonness.

*Signed*  
*Jeffrey J. Mathison*  
*Judge.*

The Court charges the jury that the rules of the road of the State of Alabama require that no person shall turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other traffic may be affected by such movement. A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning.

*Given,  
Jefair J. Maslow  
Judge.*

3D The Court charges the Jury that, unless you are reasonably satisfied from the evidence in this case of the truth of the material allegations of the Plaintiff's Complaint, you cannot find a verdict for the Plaintiff.

*Given*  
*Jelfan J. Maddeburn*  
*Judge*

2D The Court charges the Jury that, in determining the credit you will give to the testimony of a witness, you may consider the friendship, relationship, interest or biasness, if any is shown by the evidence, that such witness has for one of the parties of this lawsuit.

Given,  
Jefair J. Madaleno  
Judge.

12D The Court charges the Jury that, if you are reasonably satisfied from the evidence in this case that the Plaintiff, Marie Cecilia Horn, was guilty of negligence which proximately contributed to her own injuries and damages, even in the slightest degree, you cannot return a verdict for the Plaintiff under Count One of the Complaint.

*Suzanne  
J. Jeffrey. madeleine  
jeffrey*

130

The Court charges the Jury that it is a law of the State of Alabama that "any person driving a vehicle on a highway shall drive the same at a careful and prudent speed not greater than is reasonable and proper, having due regard to the traffic, surface and width of the highway and of any other conditions then existing and no person shall drive any vehicle upon a highway at such speed as to endanger the life, limb, or property of any person."

And if you are reasonably satisfied from the evidence that the Plaintiff, Marie Cecilia Horn, violated such law and that such violation proximately contributed to her own injury and damage, you cannot find a verdict for Plaintiff under Count One of the Complaint.

~~Sworn~~  
Refused  
Jeffrey J. Madaleno  
Judge

14-D The Court charges the Jury that it is the law of Alabama that no person shall drive a vehicle, "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."

And if you are reasonably satisfied from the evidence that the Plaintiff, Marie Cecilia Horn, violated such law and that such violation proximately contributed to her own injury and damage, you cannot find a verdict for the Plaintiff under Count One of the Complaint.

*Suey  
DeFauy, mandalaw  
judge*





16D The Court charges the Jury that your verdict in this case should be based upon the evidence alone and the instructions of the Court and that you should not permit your sympathy in any manner to influence your verdict.

Signed,  
Jeffery J. Markburen  
Judge

17D The Court charges the Jury that, if you are reasonably satisfied from the evidence in this case that James Ralph Davis, the Defendant, at the time and place alleged in the Plaintiff's Complaint, acted as a reasonably prudent person would have acted under the same or similar circumstances, then the Court charges you that you cannot return a verdict for the Plaintiff.

Deputy J. M. Mason  
Judge.

18 D The Court charges the Jury that at the time of the accident of which the Plaintiff complains, it was the duty of the Plaintiff, Marie Cecilia Horn, to exercise ordinary and reasonable care to preserve her own safety and, if you are reasonably satisfied from the evidence in this case that the Plaintiff failed to exercise ordinary and reasonable care and that such failure proximately contributed to her claimed injury, then you cannot return a verdict for the Plaintiff under Count One of the Complaint.

Refused  
Jeffrey J. Madlibere  
Judge

19 D The Court charges the Jury that, if you are reasonably satisfied from the evidence in this case that a witness who has testified in this case has wilfully and intentionally testified falsely to a material fact, you are authorized to disregard the entire testimony of such witness.

~~Refused~~  
Jeffrey C. Marshall  
Judge

20 D A witness who, by education and experience, has become expert in any art, science, profession or calling may be permitted to state his opinion as to a matter in which he is versed and which is material to the case, and may also state the reasons for such opinion. You may consider such expert opinion received in evidence in this case and give it such weight as you think it deserves; and you may reject it entirely if you conclude the reasons giving support to the opinion are unsound.

Sven  
Sefair, master  
judge.