

Given:
J. J. Marshall
Judge.

Gentlemen of the Jury, I charge you that if you find for the plaintiff, the measure of his damages is compensation for the disabling effects, if any, of the injury, past and prospective. In estimating the damages the loss of time, if any, and the incapacity, if any, to do as profitable labor as before the injury, as well as the mental and physical suffering, if any, caused by the injury, are pertinent and legitimate factors.

The court charges the jury that the law prohibits the driver of an overtaking vehicle from passing another vehicle in an intersection of two public roads and violation of such statute constitutes negligence as a matter of law.

Given
Walter H. Madeline
Judge.

The court charges the jury that a person driving a motor vehicle is presumed to be the agent, servant or employee of the owner thereof and presumed to be acting within the line and scope of his employment as such agent, servant or employee and to overcome such presumption the burden is upon the owner of such motor vehicle to reasonably satisfy you by evidence that the contrary is true.

Given
Jeffrey J. Washburn
Judge

Revised,
Walter G. MacArthur
Judge.

If the jury find for the plaintiff, no matter on which count they may base their verdict, it will be their duty to award such sum as damages as in their sound discretion and judgment will compensate plaintiff in money for that part of the injuries and damages, claimed in the complaint, if any, which the jury may be reasonably satisfied, from the evidence, plaintiff suffered as a proximate consequence of the wrong complained of.

Revised,
Tuffan G. MacLennan
Judge

In order for one to be guilty of wanton conduct,
the party doing the act or failing to act must be conscious
of his conduct, and, without having the intent to injure,
is conscious from his knowledge of existing conditions and
circumstances that injury will likely or probably result
from his conduct, and, with a reckless disregard of
consequences, does some act or omits some known duty that
results in injury.

The court charges the jury that the driver of the over-
taking motor vehicle has the duty of giving audible warning,
unless in a business district, before passing or attempting
to pass, and violation of such statute constitutes negligence
as a matter of law.

Refused
Julian G. MacLennan
Judge

The Court charges the jury that, if they believe from the evidence that the Plaintiff was guilty of negligence which proximately contributed, even in the slightest degree, to his injuries, they must return a verdict for the Defendants under Count 1 of the Complaint.

*Suzer
Suzer J. Madaleno
Judge.*

The Court charges the jury that if they are reasonably satisfied that the Plaintiff was guilty of contributory negligence on the occasion complained of, which proximately contributed even in the slightest degree to cause his alleged injuries, then you cannot give a verdict in favor of the Plaintiff on any count in the Complaint based on simple negligence.

*Refused,
Jeffrey G. MacLennan
Judge.*

I charge you that there must be evidence strong enough to reasonably satisfy you that the Defendant, Sim Newell, Jr., was at the time and place of the alleged accident, the Defendant Walter Lowery's agent, acting in the line and scope of his authority, before you can find for the Plaintiff and against the Defendant, Walter Lowery.

*Refused,
Jefair J. MacLisburn
Judge.*

I charge you, Ladies and Gentlemen of the jury, that before you can return a verdict in any amount against either of the Defendants, Plaintiff has the burden of reasonably satisfying you from all the evidence in the case that the Defendant, Sim Newell, Jr., was guilty of negligence in the operation of the motor vehicle as alleged in the Complaint and that such negligence was the proximate cause of the collision.

*Sven,
Sifair J. MacArthur
Judge.*

The Court charges you that a person driving a vehicle in this state, which vehicle belongs to another person, is presumed by the law to be the agent, servant or employee of the owner, however, this is a rebuttable presumption and said presumption may be overcome by evidence on behalf of the Defendant sufficient to reasonably satisfy you that the driver was not the agent, servant or employee of the owner and in this case, if you find that the Defendant Sim Newell, Jr., was not at the time and place alleged in the complaint the agent, servant or employee of the Defendant Walter Lowery, then you should not find against the Defendant Walter Lowery.

~~Simon~~ *Refused*
Stephen J. Madaleno
Judge.

I charge you that negligence is the doing of some act, or the failure to do some act, which an ordinary prudent person under like or similar circumstances would or would not do and unless you are reasonably satisfied by the evidence in this case that the Defendant, Sim Newell, Jr. at the time and place complained of was guilty of negligence, then you should find both Defendants not guilty under count one of the Complaint.

Refused,
Jeffrey J. Madaleno
Judge.

The Court charges you that before a person can be said to be guilty of wilfull or wanton conduct, it must be shown that the person charged therewith was conscious of his conduct, and conscious from his knowledge of existing conditions that injury would likely or probably result from his conduct and that with reckless indifference to the consequences, he consciously and intentionally did some wrongful act and that such injury did result and if you are not reasonably satisfied in this case that the Defendant, Sim Newell, Jr., so injured the Plaintiff, then you should find the Defendants both not guilty under Count 2 of the Complaint.

Given,
Sefair J. Marshall
Judge

I charge you, gentlemen of the jury, that to constitute wilful or wanton negligence, the act done or omitted by the Defendant, Sim Newell, Jr., would have to have been done or omitted with a present knowledge that injury would probably result and if you are not so reasonably satisfied then you should find both Defendants not guilty under Count 2 of the Complaint.

Given,
Sefair J. MacLisburn
Judge.

I charge you, gentlemen of the jury, that the Defendants have filed a Plea of Contributory Negligence against the Plaintiff saying that the Plaintiff should not recover because he was himself guilty of negligence which proximately brought about his injury. Contributory negligence is such an act on the part of the Plaintiff amounting to a want of ordinary care, as, concurring or cooperating with the act of the Defendant, is the proximate cause of the injury complained of. If the evidence in this case reasonably satisfies you that at the time and place complained of, the Plaintiff was guilty of contributory negligence, then you should find both Defendants not guilty under Count 1 of the Complaint.

Signed,
Walter J. MacLennan
Judge.

I charge you, gentlemen of the jury, that under the law of the State of Alabama, the driver of a motor vehicle before turning from a direct line in which he is traveling shall first see, or observe due care to see, that such turn can be made in safety and I further charge you that if the Plaintiff in this case drove his automobile from its proper lane across the centerline and into the left hand lane of the highway at the time and place in question and the evidence so reasonably satisfies you that said act was done and that it was done without observing due care, then the Plaintiff would be guilty of negligence and if you find that this negligence proximately contributed to his injuries even in the slightest degree, then you cannot find against either Defendant under Count 1 of the Complaint.

Given,
Jefair J. Marshall
Judge.

I charge you, gentlemen of the jury, that you cannot find for the Plaintiff in this case under Count 1 if you are reasonably satisfied from the evidence in this case that the injury to the Plaintiff was proximately caused by his own negligence.

Respectfully,
Dufour J. MacLennan
Judge.