

CHARGE NUMBER I

I charge you Ladies and Gentlemen of the Jury that the burden is on the Defendant in this case to establish the fact of the gift by clear and convincing proof and if your mind is left in doubt or uncertainty as to the nature of the transaction, then I charge you as a matter of law, that the Defendant has failed to discharge the burden of proof and her claim of gift will fail.

*Given,*  
*Jeffrey J. Marshall*  
*Judge.*

CHARGE NUMBER 2

I charge you Ladies and Gentlemen of the Jury that the strictest proof is required to sustain a gift causa mortis.

Seven,  
Jeffrey J. Washburn  
Judge

CHARGE NUMBER 3

I charge you Ladies and Gentlemen of the Jury if title does not pass and was not intended to pass by John Ed Smith until his death, then the mere fact that the Defendant had the possession of the keys to the automobile is not sufficient delivery of the property to sustain a gift causa mortis.

Given,  
Joseph J. MacArthur  
Judge.

CHARGE NUMBER 4

I charge you Ladies and Gentlemen of the Jury that a verbal gift of an automobile does not transfer the automobile to the person to whom the gift is made until the custody, use and management of the property so donated passes from the giver to the person for whom the gift is intended and until it is possessed by the donee, and if you find from the evidence in this case that John Ed Smith retained the custody and control of said automobile until the time of his death, then in such event, you cannot find for the Defendant in this case.

Sween,  
Jefair J. Washburn  
Judge.

DEFENDANT'S CHARGE NO. 1

The Court charges you, Gentlemen of the Jury, that under Alabama law, a gift transferring title to an automobile may be made by delivery and passing of custody, control, management and use from donor to donee.

Given,  
Jesair J. Manselburn  
Judge.

DEFENDANT'S CHARGE NO. 2

The Court charges you, Gentlemen of the Jury, that delivery of the automobile in this case was sufficient to constitute a gift if you believe the delivery was as perfect as the nature of the property and the circumstances permitted.

*GIVEN,  
J. J. M. M. M. M. M.  
Judge.*

DEFENDANT'S CHARGE, NO. 3

The Court charges you, Gentlemen of the Jury, that if there was a delivery of the automobile in this case, actual or constructive, with the intent of John Ed Smith to divest himself of ownership of the automobile then it was a valid gift to Catherine Clements.

*Siven*  
*Sufair J. Massabian*  
*Judge*

DEFENDANT'S CHARGE NO. 4

The Court charges you, Gentlemen of the Jury, that if you believe John Ed Smith made a clear surrender of the right and dominion over the automobile, then you must find that it was an effectual gift to Catherine Clements.

*Refused,  
Jesai J. MacLuskey  
Judge.*