

No. 1

The court charges the jury that the three elements essential to contributory negligence are defined to be (1) knowledge of the condition or failure, yet (2) appreciated the danger under surrounding conditions and circumstances and did not (3) exercise reasonable care in the premises, but with such knowledge and appreciation, put himself in the way of danger.

~~Green~~ Refused  
J. J. M. M. M.  
Judge.

na 2

The rule is that a plaintiff in a negligence case cannot recover unless he proves the negligence alleged; and he cannot recover even then if his proof or that of defendant shows that plaintiff's own negligence proximately contributed to defendant's negligence to produce the injury received.

~~Refused~~  
Refused  
J. J. Madison  
Judge

No. 3

The court charges the jury that the plaintiff, in accepting employment from the defendant, assumed all the risk necessarily incident to the work in which he was engaged, and the defendant in this case was not an insurer of the absolute safety of the plaintiff.

Suven,  
Julian J. Madison  
Judge.

No. 4

Negligence is the failure to do what a reasonable and prudent person would have done under the circumstances or situation, or doing that which a prudent person under existing circumstances would not have done.

*Revised*  
*Jefair J. MacArthur*  
*Judge*

No 5

You are instructed that the burden is upon plaintiff to prove by the evidence in this case, to your reasonable satisfaction, every material allegation of his complaint, or of some one count thereof, and if he has not so reasonably satisfied you by the evidence, then you must find a verdict for defendant.

Given  
Superior J. M. Madsen  
Judge

No. 6

If after considering all the evidence your minds are left in a state of reasonable uncertainty as to whether plaintiff is entitled to recover, your verdict must be for the defendant.

Refused,  
Jefair J. Madisewski  
Judge.

No. 7

The court charges the jury that an employee is held by the law to the use of ordinary care for his own safety, so that if he voluntarily undertakes to do work attended with danger which is obvious, he impliedly assumes the risk involved in its execution, but it does not follow that he is guilty of negligence in working merely because he knows the work to be dangerous without regard to the degrees of danger and risk involved, nor unless it be of a degree which would ordinarily deter one of ordinary prudence from the work.

Sven,  
Jefair J. Madeline  
Judge.

No. 8

The court charges the jury that the defendant was not an insurer of the plaintiff against risks incident to the business in which the plaintiff was engaged, and that the negligence of Rayford Tuberville was such a risk, and one for which the defendant is not liable.

~~Given~~, Refused  
Jeffrey G. Washburn  
Judge



No. 9

The burden of proof is on the plaintiff, and the evidence must be sufficient to satisfy the minds of the jury; mere preponderance, unless it produces that result, is not sufficient.

Refused,  
J. Fair. Mason  
Judge.

70. 10

The court charges the jury that the plaintiff, in accepting employment from the defendant, assumed all the risk necessarily incident to the work in which he was engaged, and the defendant in this case was not insurer of the absolute safety of the plaintiff.

*Given,  
Sufan J. Maddeben  
Judge.*

No. 11

The court charges the jury that the employer does not insure his employees against risks, and risks incidental to the business the employer does not assume, and these risks must be borne by the employee himself.

~~James~~ Refused  
Jefairg. Maslben  
Judge.

No. 12

The court charges the jury that, if you believe from all of the evidence that the plaintiff's injuries arose from any negligence on the part of the plaintiff, you cannot find for the plaintiff.

Refused,  
Jefair W. Washburn  
Judge

No. 13

I charge you, gentlemen of the jury, that ordinary care is that care which ordinarily prudent persons would exercise under the same, like, or similar circumstances, and that the want of that care is negligence.

Witness,  
S. J. Maschum  
Judge.

No. ~~14~~

The jury are instructed that, if they believe from the evidence that defendant, Albert Brown, was taking his instructions from the plaintiff in this cause and that he carried out those instructions then the plaintiff in this cause cannot recover on account of any alleged negligence of Albert Brown resulting from the plaintiff's instructions.

Duesen  
Jefair, Madison  
Judge.

No. 65

The jury are instructed that, if you believe from the evidence that the accident complained of was of an unusual character and one that could not be reasonably anticipated by the use of ordinary care, then the plaintiff cannot recover in this case, and your verdict must be in favor of the defendant.

Brewer,  
Jefair J. Mason  
Judge.

No. ~~16~~

The court charges the jury that a person in accepting employment assumes the risks which are necessarily incident to the work in which he is engaged, and if you are satisfied from the evidence that he was injured by reason of no negligence on the part of the defendant, or those for whose negligence the defendant was responsible, then he cannot recover.

Given,  
Jefair J. Maskeben  
Judge



The court charges the jury that, if you believe  
all of the evidence, you will find for the defendant ~~S.~~

Refused.  
Jeffrey J. Maslauer  
Judge.