

STATE'S REQUESTED CHARGE NUMBER /

I charge you, Gentlemen of the Jury, that under Alabama Laws, land owners, whose property is condemned for public purpose, is entitled only to just compensation, which means equitable compensation, and is confined to present value of land.

Refused,
Jefferson J. Mathis
Judge

STATE'S REQUESTED CHARGE NUMBER 2

I charge you, Gentlemen of the Jury, that the test of market value of property condemned is what it would reasonable have sold for in the market at the time and place under like conditions, and is the proce the property will bring when offered for sale by a willing seller, who is not forced to sell and is sought by a willing buyer, not required to buy, after due consideration of all elements effecting value.

Refused,
Josiah G. Wadsworth
Judge

STATE'S REQUESTED CHARGE NUMBER 5

I charge you, Gentlemen of the Jury, that the final inquiry as to compensation, if any, to be awarded where a part of a tract of land is condemned for public highways, is the difference between the value of the entire tract immediately before the taking and the value of the part of the tract remaining after the taking, giving effect to any enhancement in value of part remaining resulting from the road construction.

*Refused,
J. J. Mansfield
Judge*

STATE'S REQUESTED CHARGE NUMBER 6

I charge you, Gentlemen of the Jury, that in this condemnation proceeding, neither petitioners desire to condemn nor the owners unwillingness to part with the property is the proper subject matter of consideration.

*Refused,
Joseph J. Madaleno
Judge*

STATE'S REQUESTED CHARGE NUMBER 7

I charge you, Gentlemen of the Jury, that you have the right to reject and discard any element of speculation or chance that you are reasonably satisfied from the evidence entered into the opinion of any of the witnesses who testified as to value for the respondents in this case.

*Refused,
J. Fair J. Madole
Judge.*

STATE'S REQUESTED CHARGE NUMBER 9

I charge you, Gentlemen of the Jury, that the power to take property for a public use is inherent in any government. The Constitution of the State of Alabama, 1901, Section 23, limits this inherent power only to the extent that just compensation will be paid for the lands or property condemned and, just compensation is determined by the fair market value of the subject property.

*Refused,
Jefair D. Maddox
Judge*

STATE'S REQUESTED CHARGE NUMBER 10

I charge you, Gentlemen of the Jury, that compensation for the taking of property for public use must be determined as of the time of taking, and in this case the time of taking is 13 Jan, 1972.

Refused
J. J. Madison
Judge

2.

The Court charges the jury that when private property is taken or damaged for public purposes, the Constitution of Alabama is a guarantee to the owner that he shall have just compensation.

Refused
J. J. M. M. M.
Judge.

4.

The Court charges the jury that an easement or right-of-way for public road purposes is "Property" for which, when taken, the owner is entitled to compensation under the Constitution of Alabama.

Refused
J. Fair J. Maslebury
Judge.

States Charge No. A.

I charge you Jurlemen
of the jury that you are not
to consider any damages to
the property remaining after
the taking as a result of
any traffic passing subject
property on the new road to
be constructed

Refused,
J. J. Maschke
Judge

The Court charges the jury that when private property is taken or damaged for public purposes, the Constitution of Alabama is a guarantee to the owner that he shall have just compensation.

Refused
S. Fair J. Maddison
Judge

1.

The Court charges the jury that under the Constitution and laws of the State of Alabama when, as in this case, private property is taken or damaged for public purposes, just and adequate compensation must be paid to the property owner.

Refused,
J. Fair J. Washburn
Judge

The Court charges the jury that the owner of a tract of land, a part of which is condemned for highway purposes, is entitled to be put in as good a position from a pecuniary standpoint as he would have occupied had his property not been taken.

Suzer,
J. Fair J. Madison
Judge

3.

The Court charges the jury that an easement or right-of-way for public road purposes is "Property" for which, when taken, the owner is entitled to compensation under the Constitution of Alabama.

*Givens,
Jefair J. Masterson
Judge*

STATE'S REQUESTED CHARGE NUMBER

5

I charge you, Gentlemen of the Jury, that in arriving at the after value of the remaining property here in question you must visualize the proposed highway as completed in accordance with the construction plans for subject project.

*GIVEN,
Jesse J. Madeline
Judge.*

STATE'S REQUESTED CHARGE NUMBER

2

I charge you, Gentlemen of the Jury, that if you are reasonably satisfied from the evidence in this case that any witness has magnified or enaggerated the value of the property acquired in the proceedings on account of his interest in the outcome of this action, or his prejudice, or want of knowledge or experience or truthfulness, then you have the right, and it is your duty, to disregard the evidence of such witness in so far as the same is unjustly magnified or unjustly increased, as to the value of this property.

*Given,
J. M. Madsen
Judge.*

STATE'S REQUESTED CHARGE NUMBER 10

I charge you, Gentlemen of the Jury, that compensation for the taking of property for public use must be determined as of the time of taking, and in this case the time of taking is January 13, 1970.

*Gives,
Deputy J. Marshall
Judge.*

STATE'S REQUESTED CHARGE NUMBER 2

I charge you, Gentlemen of the Jury, that under Alabama Laws, land owners, whose property is condemned for public purpose, is entitled only to just compensation, which means equitable compensation, and is confined to present value of land.

*Given,
J. J. Marshall
Judge.*

STATE'S REQUESTED CHARGE NUMBER 4

I charge you, Gentlemen of the Jury, that you have the right to reject and discard any element of speculation or chance that you are reasonably satisfied from the evidence entered into the opinion of any witnesses who testified as to value for the respondents in this case.

*Sweeney
Jefair G. Marshall
Judge.*

STATE'S REQUESTED CHARGE NUMBER 1

I charge you, Gentlemen of the Jury, that in fixing compensation of condemnation of lands, possible, probably, or imaginary uses are not to be considered.

*Refused,
Jefair O. MacLure
Judge*

STATE'S REQUESTED CHARGE NUMBER 3

I charge you, Gentlemen of the Jury, that the test of market value of property condemned is what it would reasonable have sold for in the market at the time and place under like conditions, and is the price the property will bring when offered for sale by a willing seller, who is not forced to sell and is sought by a willing buyer, not required to buy, after due consideration of all elements effecting value.

Refused
Jeffrey G. Maslow
Judge

STATE'S REQUESTED CHARGE NUMBER 4

I charge you, Gentlemen of the Jury, that the final inquiry as to compensation, if any, to be awarded where a part of a tract of land is condemned for public highways, is the difference between the value of the entire tract immediately before the taking and the value of the part of the tract remaining after the taking, giving effect to any enhancement in value of part remaining resulting from the road construction.

*Refused,
Jefair J. Washburn
Judge.*

STATE'S REQUESTED CHARGE NUMBER

1

I charge you, Gentlemen of the Jury, that in this condemnation proceeding, neither petitioners desire to condemn nor the owners unwillingness to part with the property is the proper subject matter of consideration.

Refused
Jefair J. Mason
Judge.

STATE'S REQUESTED CHARGE NUMBER 9

I charge you, Gentlemen of the Jury, that the power to take property for a public use is inherent in any government. The Constitution of the State of Alabama, 1901, Section 23, limits this inherent power only to the extent that just compensation will be paid for the lands or property condemned and, just compensation is determined by the fair market value of the subject property.

*Refused,
J. Fair J. Maslbum
Judge.*

STATE'S REQUESTED CHARGE NUMBER 11

I charge you, Gentlemen of the Jury, that in fixing compensation of condemnation of lands, possible, probably, or imaginary uses are not to be considered.

*Refused,
J. J. Madison
Judge.*