

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,
Jefferson J. Masheburn
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. Fair J. Maddis
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 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,
Dejair J. Maslow
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,
Deputy. Masabawa
Judge*

STATE'S REQUESTED CHARGE NUMBER 8

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
Defining maximum
judge*

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3.

The Court charges the jury that the fact that the road to be built on the property condemned in this case will divide the remaining property of the landowner is a factor which you may properly consider in determining the value of the remaining lands.

W. W. Mason,
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.

*Given,
Sufair J. Mathison
Judge*

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STATE'S REQUESTED CHARGE NUMBER 1

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.

Sixen,
Jeffrey J. Madison
Judge.

STATE'S REQUESTED CHARGE NUMBER 3

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.

Given,
Jefair J. Maslun
Judge.

STATE'S REQUESTED CHARGE NUMBER 4

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.

Siven,
Jefair J. Madison
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.

~~R. J. [unclear]~~
Given,
Deputy J. [unclear]
Judge.

STATE'S REQUESTED CHARGE NUMBER 7

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 17 FEBRUARY, 1970.

Given,
Jefairy. Masiburn
Judge

STATE'S REQUESTED CHARGE NUMBER

8

I charge you, Gentlemen of the Jury, that you cannot award the respondent any damages for any temporary inconvenience that it has or may sustain by reason of the taking and the construction proposed highway.

*Gwen,
Jeffrey J. Mathews
Judge*