

Given  
Jefair J. MacLennan  
Judge

1. The court charges the jury that, if you are reasonably satisfied from the evidence in this case that the character assumed by the defendant, Choyce E. Windham, in his dealings with the defendants, N. S. Whitman Timber Company, Inc., N. S. Whitman, Sr., and N. S. Whitman, Jr., was of such a suspicious or unreasonable nature, or if the authority which the defendant, Windham, sought to exercise was of such an unusual or improbable character as would suffice to put an ordinarily prudent man upon his guard, the party dealing with him may not shut his eyes to the real state of the case, but should either refuse to deal with the agent at all or should ascertain from the principal the true condition of affairs.

2. I charge you that in assessing the value of the timber, if you find for the plaintiff under Count 3 of the amended complaint, you will be authorized to assess the property at the highest value proven any time since the time of the conversion under the said Count 3.

*Superior*  
*Jeffrey M. Mable*  
*Judge.*

3. The court charges the jury that, if you believe from the evidence that any defendant has attempted to prove facts material to his defense by false statements, and that he knew such statements to be false and, so knowing, procured them to be made, then that might be a circumstance against such defendant to be considered by the jury in weighing the evidence.

*Sever,*  
*Sever J. Marshall*  
*Judge*

5. I charge you, gentlemen of the jury, that if you believe any witness wilfully and corruptly swore falsely to any material fact, you may disregard all of his testimony.

*Refused*  
*Jefferson H. Marshall*

A

The Court charges the jury that you cannot find  
for the Plaintiff and against the Defendant, N. S. Whitman.

*Refused*

B

The Court charges the jury that you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count One of the Complaint as last amended.

*Refused*

C

The Court charges the jury that you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Two of the Complaint as last amended.

*Refused*

D

The Court charges the jury that you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the Complaint as last amended.

*Refused*



E

The Court charges the jury that you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the Complaint as last amended.

*Refused*

F

The Court charges the jury that you cannot find  
for the Plaintiff and against the Defendant, N. S. Whitman, Jr.

*Refused*

The Court charges the jury that you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count One of the Complaint as last amended.

*Refused*

H

The Court charges the jury that you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Two of the Complaint as last amended.

*Refused*

I

The Court charges the jury that you cannot find  
for the Plaintiff and against the Defendant, N. S. Whitman,  
Jr., under Count Three of the Complaint as last amended.

*Refused*

The Court charges the jury that you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the Complaint as last amended.

*Refused*

L.

The Court charges the jury that you cannot find  
for the Plaintiff and against the Defendant, N. S. Whitman  
Timber Company, Inc.

*Refused*

M.

The Court charges the jury that you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc. under Count One of the Complaint as last amended.

*Refused*



N.

The Court charges the jury that you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Two of the Complaint as last amended.

*Refused*

O.

The Court charges the jury that you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the Complaint as last amended.

*Refused*

P.

The Court charges the jury that you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the Complaint as last amended.

*Refused*

W-1

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman.

*Refused*

W-2

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count One of the Complaint as last amended.

*Refused*

W-3

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Two of the Complaint as last amended.

*Refused*

W-4

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the Complaint as last amended.

*Refused*

W-5

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the Complaint as last amended.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on that part of the Southwest Quarter of the Southwest Quarter of Section 27, Township 2 South, Range 2 East, in Baldwin County, Alabama, Northeast of Stoney Hill Creek.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the Southwest Quarter of the Northwest Quarter of Section 22, Township 3 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the West Half of the West Half of Section 32, Township 3 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the East Half of the Southeast Quarter of Section 34, Township 3 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

W-10

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the Southeast Quarter of the Southwest Quarter in Section 34, Township 3 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

W-11

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the West Half of the West Half of Section 35, Township 3 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

W-12

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the Southeast Quarter of the Northeast Quarter of Section 31, Township 3 South, Range 3 East, in Baldwin County, Alabama.

*Refused*

W-13

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the Northeast Quarter of the Southeast Quarter of Section 31, Township 3 South, Range 3 East, in Baldwin County, Alabama.

*Refused*

W-16

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the West Half of the Northwest Quarter of the Northeast Quarter, of Section 3, Township 4 South, Range 2 East, In Baldwin County, Alabama.

*Refused*

W-15

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the Northeast Quarter of the Northeast Quarter of Section 3, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

W-14

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the West Half of the Northeast Quarter of Section 32, Township 3 South, Range 3 East, in Baldwin County, Alabama.

*Refused*

W-17

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the East Half of the Northwest Quarter of Section 3, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

W-18

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the Southeast Quarter of the Northeast Quarter of Section 10, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

W-19

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on Section 11, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

W-20

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on that part of the North Half of Section 12, Township 4 South, Range 2 East, in Baldwin County, Alabama, South of Hunawell Creek.

*Refused*

W-21

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the Southwest Quarter of Section 12, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*



W-22

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the West Half of Southeast Quarter of Section 12, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

W-23

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the Northwest Quarter of Section 13, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

W-24

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the West Half of the Northeast Quarter of Section 13, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

W-25

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the West Half of the Southwest Quarter of Section 13, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

W-29

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the East Half of the Northwest Quarter of Section 27, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

W-28

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the Southwest Quarter of Section 27, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

W-27

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the Southwest Quarter of the Southeast Quarter of Section 13, Township 4 South, Range 2 East, Baldwin County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the Southeast Quarter of the Southwest Quarter of Section 13, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

W-31

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the Northeast Quarter of the Northeast Quarter of Section 27, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

W-32

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the Southeast Quarter of Section 28, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

W-33

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the Northwest Quarter of the Southwest Quarter of Section 28, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

W-34

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the South Half of the Northwest Quarter of Section 28, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

W-35

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the Northeast Quarter of the Northwest Quarter of Section 28, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

W-36

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the North Half of the Northwest Quarter of Section 34, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

W-37

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the Southeast Quarter of Section 34, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the Southeast Quarter of Section 7, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the Southwest Quarter of the Southwest Quarter of Section 17, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on Section 18, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on Section 19, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

W-42

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the Northwest Quarter of the Northwest Quarter of Section 20, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

W-43

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the South Half of the Northwest Quarter of Section 20, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

W-44

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the South Half of Section 20, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

W-45

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on Section 29, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

W-46

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on Section 30, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

W-47

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the East Half of the Northeast Quarter of Section 13, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

W-48

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the South Half of Section 13, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

W-49

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the West Half of the Northeast Quarter of Section 24, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

W-49a

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the Northwest Quarter of Section 24, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

W-50

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the East Half of Section 25, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

W-51

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on that part of Section 34, Township 2 South, Range 2 West, East of Chickasaw Creek, in Mobile County, Alabama.

*Refused*

W-52

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the Northeast Quarter of the Northeast Quarter of Section 35, Township 2 South, Range 2 West, In Mobile County, Alabama.

*Refused*



The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the South Half of the Northeast Quarter of Section 35, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the Northwest Quarter of the Northwest Quarter of Section 35, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the South Half of the Northwest Quarter of Section 35, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the South Half of Section 35, Township 2 South, Range 2 West, in Mobile County, Alabama, East of Chickasaw Creek.

*Refused*

W-57

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on that part of Section 2, Township 3 South, Range 2 West, in Mobile County, Alabama, East of GM&O Railroad.

*Refused*

W-58

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on that part of Section 11, Township 3 South, Range 2 West, in Mobile County, Alabama, East of GM&O Railroad, less part to college.

*Refused*

W-59

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the Southeast Quarter of Section 33, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

W-60

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the Southwest Quarter of the Northwest Quarter, of Section 34, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

W-61

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the Northeast Quarter of Section 4, Township 3 South, Range 2 West, in Mobile County, Alabama.

*Refused*

W-62

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the East Half of the Southeast Quarter, of Section 4, Township 3 South, Range 2 West, in Mobile County, Alabama, less part sold.

*Refused*

W-63

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the South Half (part) of Section 3, Township 3 South, Range 2 West, in Mobile County, Alabama.

*Refused*

W-64

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on the Northeast Quarter (part) of Section 3, Township 3 South, Range 2 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the amended Complaint for wrongfully taking timber situated on Section 10, Township 3 South, Range 2 West, in Mobile County, Alabama.

*Refused*

W-66

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on that part of the Southwest Quarter of the Southwest Quarter of Section 27, Township 2 South, Range 2 East, Baldwin County, Alabama, Northeast of Stoney Hill Creek.

*Refused*

W-67

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the Southwest Quarter of the Northwest Quarter of Section 22, Township 3 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

W-68

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the West Half of the West Half of Section 32, Township 3 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

W-69

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the East Half of the Southeast Quarter of Section 34, Township 3 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

W-70

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the Southeast Quarter of the Southwest Quarter of Section 34, Township 3 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

W-71

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the West Half of the West Half of Section 35, Township 3 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

W-72

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the Southeast Quarter of the Northeast Quarter of Section 31, Township 3 South, Range 3 East, in Baldwin County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the Northeast Quarter of the Southeast Quarter of Section 31, Township 3 South, Range 3 East, in Baldwin County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the West Half of the Northeast Quarter of Section 32, Township 3 South, Range 3 East, in Baldwin County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the Northeast Quarter of the Northeast Quarter of Section 3, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the West Half of the Northwest Quarter of the Northeast Quarter of Section 3, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

W-77

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the East Half of the Northwest Quarter of Section 3, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

W-78

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the Southeast Quarter of the Northeast Quarter of Section 10, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

W-79

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on Section 11, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

W-80

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on that part of the North Half of Section 12, Township 4 South, Range 2 East, South of Hunawell Creek, in Baldwin County, Alabama.

*Refused*

W-81

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the Southwest Quarter of Section 12, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

W-82

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the West Half of the Southeast Quarter of Section 12, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

W-83

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the Northwest Quarter of Section 13, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

W-84

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the West Half of the Northeast Quarter of Section 13, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*



The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the West Half of the Southwest Quarter of Section 13, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the Southeast Quarter of the Southwest Quarter of Section 13, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the Southwest Quarter of the Southeast Quarter of Section 13, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. whitman, under Count Four of the amended Complaint for trespass on the Southwest Quarter of Section 27, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the East Half of the Northwest Quarter of Section 27, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the South Half of the Northeast Quarter of Section 27, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the Northeast Quarter of the Northeast Quarter of Section 27, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the Southeast Quarter of Section 28, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

W-93

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the Northwest Quarter of the Southwest Quarter of Section 28, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

W-94

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the South Half of the Northwest Quarter of Section 28, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

W-95

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the Northeast Quarter of the Northwest Quarter of Section 28, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

W-96

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the North Half of the Northwest Quarter of Section 34, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

W-97

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the Southeast Quarter of Section 34, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

W-98

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the Southeast Quarter of Section 7, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

W-99

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the Southwest Quarter of the Southwest Quarter of Section 17, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

W-100

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on Section 18, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

W-101

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on Section 19, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

W-102

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the Northwest Quarter of the Northwest Quarter of Section 20, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

W-103

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the South Half of the Northwest Quarter of Section 20, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

W-104

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the South Half of Section 20, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

W-105

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on Section 29, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

W-106

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on Section 30, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

W-107

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the East Half of the Northeast Quarter of Section 13, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

W-108

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the South Half of Section 13, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the West Half of the Northeast Quarter of Section 24, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

W-110

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the Northwest Quarter of Section 24, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

W-111

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the East Half of Section 25, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

W-112

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on that part of Section 34, Township 2 South, Range 2 West, in Mobile County, Alabama, East of Chickasaw Creek.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the Northeast Quarter of the Northeast Quarter of Section 35, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

W-114

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the South Half of the Northeast Quarter of Section 35, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

W-115

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the Northwest Quarter of the Northwest Quarter of Section 35, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

W-116

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the South Half of the Northwest Quarter of Section 35, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*



W-117

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the South Half of Section 35, Township 2 South, Range 2 West, in Mobile County, Alabama, East of Chickasaw Creek.

*Refused*

W-118

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on that part of Section 2, Township 3 South, Range 2 West, East of GM&O Railroad, in Mobile County, Alabama.

*Refused*

W-119

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on that part of Section 11, Township 3 South, Range 2 West, East of GM&O Railroad, in Mobile County, Alabama, less part to college.

*Refused*

W-120

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the Southeast Quarter of Section 33, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

W-121

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the Southwest Quarter of the Northwest Quarter of Section 34, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

W-122

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the Northeast Quarter of Section 4, Township 3 South, Range 2 West, in Mobile County, Alabama.

*Refused*

W-123

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the East Half of the Southeast Quarter of Section 4, Township 3 South, Range 2 West, in Mobile County, Alabama, less part sold.

*Refused*

W-124

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the South Half (part) of Section 3, Township 3 South, Range 2 West, in Mobile County, Alabama.

*Refused*

W-125

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on the Northeast Quarter (part) of Section 3, Township 3 South, Range 2 West, in Mobile County, Alabama.

*Refused*

W-126

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the amended Complaint for trespass on Section 10, Township 3 South, Range 2 West, in Mobile County, Alabama.

*Refused*

W-127

The Court charges the jury that a civil conspiracy is a combination between two or more persons to accomplish by concert an unlawful purpose or to accomplish a purpose not in itself unlawful by unlawful means and unless you find, ladies and gentlemen of the jury, that N. S. Whitman combined with Choyce E. Windham to accomplish by concert an unlawful purpose or to accomplish a purpose not in itself unlawful by unlawful means, then you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count One of the Complaint as last amended.

*Refused*

W-128

The Court charges the jury that you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count One of the Complaint as last amended unless you first determine that there existed a conspiracy between the Defendant, N. S. Whitman, and Choyce E. Windham and that the damages allegedly caused to the Plaintiff were caused in furtherance of the purpose for which they had conspired.

*Refused*

W-129

The Court charges the jury that before they can find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the Complaint as last amended, they must be satisfied from the evidence that the Defendant, N. S. Whitman, either appropriated the timber to his own use and enjoyment or has destroyed it or is wrongfully withholding the possession thereof from the Plaintiff. *Refused*

W-130

The Court charges the jury that the burden is on the Plaintiff to establish its case to the personal satisfaction of the jury and, unless it has done so, the jury must find for the Defendant, N. S. Whitman. *Refused*

W-131

The Court charges the jury that every conversion involves the wrongful doing of the acts complained of; and if you believe from the evidence that the Plaintiff made several inspection trips upon the tracts of land from which the timber was allegedly wrongfully taken, and had full knowledge of what was taking place, and either expressly or impliedly consented thereto, then your verdict must be for the Defendant, N. S. Whitman, under Count Three of the Complaint as last amended. *Refused*

W-132

The Court charges the jury that every trespass involves the wrongful doing of the acts complained of; and if you believe from the evidence that the Plaintiff made several inspection trips upon the tracts of land allegedly wrongfully entered by the Defendant, N. S. Whitman, and had full knowledge of what was taking place, and either expressly or impliedly consented thereto, then your verdict must be for the Defendant, N. S. Whitman, under Count Four of the Complaint as last amended. *Refused*

W-133

The Court charges the jury that before you can find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the Complaint as last amended, you must be reasonably satisfied from all the evidence that the Defendant, N. S. Whitman, personally cut and removed the timber from the lands belonging to the Plaintiff described in said Count and that this was done without the Plaintiff's express or implied consent.

*Refused*

W-134

The Court charges the jury that before you can find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the Complaint as last amended, you must be reasonably satisfied from all the evidence that the Defendant, N. S. Whitman, personally and wrongfully entered upon the tracts of land described in said Count and that such entry was without the Plaintiff's consent.

*Refused*

WT-2

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count One of the Complaint as last amended.

*Refused*

WT-3

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Two of the Complaint as last amended.

*Refused*

WT-4

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the Complaint as last amended.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the Complaint as last amended.

*Refused*

WT-7

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the Southwest Quarter of the Northwest Quarter of Section 22, Township 3 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WT-8

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the West Half of the West Half of Section 32, Township 3 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WT-9

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the East Half of the Southeast Quarter of Section 34, Township 3 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the Southeast Quarter of the Southwest Quarter in Section 34, Township 3 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the West Half of the West Half of Section 35, Township 3 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the Southeast Quarter of the Northeast Quarter of Section 31, Township 3 South, Range 3 East, in Baldwin County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the Northeast Quarter of the Southeast Quarter of Section 31, Township 3 South, Range 3 East, in Baldwin County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the West Half of the Northeast Quarter of Section 32, Township 3 South, Range 3 East, in Baldwin County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the Northeast Quarter of the Northeast Quarter of Section 3, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the West Half of the Northwest Quarter of the Northeast Quarter, of Section 3, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the East Half of the Northwest Quarter of Section 3, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*



WT-18

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the Southeast Quarter of the Northeast Quarter of Section 10, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WT-19

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on Section 11, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WT-20

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on that part of the North Half of Section 12, Township 4 South, Range 2 East, in Baldwin County, Alabama, South of Hunawell Creek.

*Refused*

WT-21

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the Southwest Quarter of Section 12, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WT-22

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the West Half of the Southeast Quarter of Section 12, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WT-23

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the Northwest Quarter of Section 13, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WT-24

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the West Half of the Northeast Quarter of Section 13, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WT-25

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the West Half of the Southwest Quarter of Section 13, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the Southeast Quarter of the Southwest Quarter of Section 13, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WT-27

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the Southwest Quarter of the Southeast Quarter of Section 13, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WT-28

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the Southwest Quarter of Section 27, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

WT-29

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the East Half of the Northwest Quarter of Section 27, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

WT-30

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the South Half of the Northeast Quarter of Section 27, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

WT-31

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the Northeast Quarter of the Northeast Quarter of Section 27, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

WT-32

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the Southeast Quarter of Section 28, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

WT-33

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the Northwest Quarter of the Southwest Quarter of Section 28, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

WT-34

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the South Half of the Northwest Quarter of Section 28, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

WT-35

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the Northeast Quarter of the Northwest Quarter of Section 28, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

WT-36

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the North Half of the Northwest Quarter of Section 34, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

WT-37

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the Southeast Quarter of Section 34, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the Southeast Quarter of Section 7, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the Southwest Quarter of the Southwest Quarter of Section 17, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on Section 18, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on Section 19, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

WT-42

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the Northwest Quarter of the Northwest Quarter of Section 20, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

WT-43

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the South Half of the Northwest Quarter of Section 20, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

WT-44

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the South Half of Section 20, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

WT-45

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on Section 29, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

WT-46

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on Section 30, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

WT-50

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the East Half of Section 25, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WT-51

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on that part of Section 34, Township 2 South, Range 2 West, in Mobile County, Alabama, East of Chickasaw Creek.

*Refused*

WT-52

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the Northeast Quarter of the Northeast Quarter of Section 35, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*



WT-53

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the South Half of the Northeast Quarter of Section 35, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WT-54

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the Northwest Quarter of the Northwest Quarter of Section 35, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WT-55

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the South Half of the Northwest Quarter of Section 35, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WT-56

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the South Half of Section 35, Township 2 South, Range 2 West, in Mobile County, Alabama, East of Chickasaw Creek.

*Refused*

WT-57

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on that part of Section 2, Township 3 South, Range 2 West, in Mobile County, Alabama, East of GM&O Railroad.

*Refused*

WT-58

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on that part of Section 11, Township 3 South, Range 2 West, in Mobile County, Alabama, East of GM&O Railroad, less part to college.

*Refused*

WT-59

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the Southeast Quarter of Section 33, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WT-60

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the Southwest Quarter of the Northwest Quarter of Section 34, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WT-61

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the Northeast Quarter of Section 4, Township 3 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WT-62

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the East Half of the Southeast Quarter of Section 4, Township 3 South, Range 2 West, in Mobile County, Alabama, less part sold.

*Refused*

WT-63

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the South Half (part) of Section 3, Township 3 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WT-64

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on the Northeast Quarter (part) of Section 3, Township 3 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WT-65

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the amended Complaint for wrongfully taking timber situated on Section 10, Township 3 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WT-66

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on that part of the Southwest Quarter of the Southwest Quarter of Section 27, Township 2 South, Range 2 East, in Baldwin County, Alabama, Northeast of Stoney Hill Creek.

*Refused*

WT-67

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the Southwest Quarter of the Northwest Quarter of Section 22, Township 3 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WT-68

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the West Half of the West Half of Section 32, Township 3 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WT-69

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the East Half of the Southeast Quarter of Section 34, Township 3 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WT-70

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the Southeast Quarter of the Southwest Quarter of Section 34, Township 3 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WT-71

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the West Half of the West Half of Section 35, Township 3 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WT-72

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the Southeast Quarter of the Northeast Quarter of Section 31, Township 3 South, Range 3 East, in Baldwin County, Alabama.

*Refused*

WT-73

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the Northeast Quarter of the Southeast Quarter of Section 31, Township 3 South, Range 3 East, in Baldwin County, Alabama.

*Refused*

WT-74

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the West Half of the Northeast Quarter of Section 32, Township 3 South, Range 3 East, in Baldwin County, Alabama.

*Refused*

WT-75

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the Northeast Quarter of the Northeast Quarter of Section 3, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WT-76

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the West Half of the Northwest Quarter of the Northeast Quarter of Section 3, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the East Half of the Northwest Quarter of Section 3, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WT-78

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the Southeast Quarter of the Northeast Quarter of Section 10, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WT-79

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on Section 11, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WT-80

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on that part of the North Half of Section 12, Township 4 South, Range 2 East, South of Hunawell Creek, in Baldwin County, Alabama.

*Refused*

WT-81

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the Southwest Quarter of Section 12, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WT-82

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the West Half of the Southeast Quarter of Section 12, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WT-83

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the Northwest Quarter of Section 13, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WT-84

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the West Half of the Northeast Quarter of Section 13, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*



WT-85

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the West Half of the Southwest Quarter of Section 13, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WT-86

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the Southeast Quarter of the Southwest Quarter of Section 13, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WT-87

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the Southwest Quarter of the Southeast Quarter of Section 13, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WT-88

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the Southwest Quarter of Section 27, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the East Half of the Northwest Quarter of Section 27, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the South Half of the Northeast Quarter of Section 27, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the Northeast Quarter of the Northeast Quarter of Section 27, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the Southeast Quarter of Section 28, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

WT-93

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the Northwest Quarter of the Southwest Quarter of Section 28, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

WT-94

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the South Half of the Northwest Quarter of Section 28, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

WT-95

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the Northeast Quarter of the Northwest Quarter of Section 28, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

WT-96

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the North Half of the Northwest Quarter of Section 34, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

WT-97

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the Southeast Quarter of Section 34, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

WT-98

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the Southeast Quarter of Section 7, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

WT-99

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the Southwest Quarter of the Southwest Quarter of Section 17, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

WT-100

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on Section 18, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

WT-101

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on Section 19, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

WT-102

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the Northwest Quarter of the Northwest Quarter of Section 20, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

WT-103

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the South Half of the Northwest Quarter of Section 20, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

WT-104

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the South Half of Section 20, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on Section 29, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on Section 30, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

~~Refused~~  
J. H. M.

The Court charges the jury that possession is an indispensable prerequisite to the bringing of an action for trespass to land and that unless you find from the evidence that the Plaintiff, Ray E. Loper Lumber Company, Inc., was in possession, actual or constructive, of each of the parcels of land enumerated in Count Four of the Complaint as last amended, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Four of the Complaint as last amended.

The Court charges the jury that an employer is not liable for the wrongful acts committed by independent contractors in his employ and if you find from the evidence that the allegedly wrongful cutting and carrying away of timber complained of in Count Three of the Complaint as last amended was done by parties who were independent contractors of the Defendant, N. S. Whitman, then you cannot find for the Plaintiff and against the Defendant, N. S. Whitman under Count Three of the Complaint as last amended.

*Refused*

The Court charges the jury that for one to be another's employee or agent, the other party must retain the right to direct the manner in which the business shall be done, as well as the result to be accomplished or, in other words, not only what shall be done, but how it shall be done; and if you believe from the evidence that N. S. Whitman did not retain this right to direct what was done or how it was to be done with respect to the person or persons who allegedly wrongfully cut and removed timber from lands belonging to the Plaintiff, then you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the Complaint as last amended. *Refused*

W-138

The Court charges the jury that for one to be another's employee or agent, the other party must retain the right to direct the manner in which the business shall be done, as well as the result to be accomplished or, in other words, not only what shall be done, but how it shall be done; and if you believe from the evidence that N. S. Whitman did not retain this right to direct what was done or how it was to be done with respect to the person or persons who allegedly trespassed on lands belonging to the Plaintiff, then you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, under Count Three of the Complaint as last amended. *Refused*

WT-111

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the East Half of Section 25, Township 2 South, Range 2 West, in Mobile County, Alabama. *Refused*

WT-112

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on that part of Section 34, Township 2 South, Range 2 West, in Mobile County, Alabama, East of Chickasaw Creek. *Refused*

WT-113

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the Northeast Quarter of the Northeast Quarter of Section 35, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WT-114

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the South Half of the Northeast Quarter of Section 35, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WT-115

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the Northwest Quarter of the Northwest Quarter of Section 35, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WT-116

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the South Half of the Northwest Quarter of Section 35, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*



WT-117

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the South Half of Section 35, Township 2 South, Range 2 West, in Mobile County, Alabama, East of Chickasaw Creek.

*Refused*

WT-118

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on that part of Section 2, Township 3 South, Range 2 West, East of GM&O Railroad, in Mobile County, Alabama.

*Refused*

WT-119

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on that part of Section 11, Township 3 South, Range 2 West, in Mobile County, Alabama, East of GM&O Railroad, less part to college.

*Refused*

WT-120

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the Southeast Quarter of Section 33, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WT-121

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the Southwest Quarter of the Northwest Quarter of Section 34, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WT-122

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the Northeast Quarter of Section 4, Township 3 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WT-123

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the East Half of the Southeast Quarter of Section 4, Township 3 South, Range 2 West, in Mobile County, Alabama, less part sold.

*Refused*

WT-124

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the South Half (part) of Section 3, Township 3 South, Range 2 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on the Northeast Quarter (part) of Section 3, Township 3 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WT-126

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the amended Complaint for trespass on Section 10, Township 3 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WJ-1

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr.

*Refused*

WJ-2

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count One of the Complaint as last amended.

*Refused*

WJ-3

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Two of the Complaint as last amended.

*Refused*

WJ-4

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the Complaint as last amended.

*Refused*

WJ-5

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the Complaint as last amended.

*Refused*

WJ-6

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on that part of the Southwest Quarter of the Southwest Quarter of Section 27, Township 2 South, Range 2 East, in Baldwin County, Alabama, Northeast of Stoney Hill Creek.

*Refused*

WJ-7

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the Southwest Quarter of the Northwest Quarter of Section 22, Township 3 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the West Half of the West Half of Section 32, Township 3 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WJ-9

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the East Half of the Southeast Quarter of Section 34, Township 3 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WJ-10

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the Southeast Quarter of the Southwest Quarter in Section 34, Township 3 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WJ-11

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the West Half of the West Half of Section 35, Township 3 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WJ-12

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the Southeast Quarter of the Northeast Quarter of Section 31, Township 3 South, Range 3 East, in Baldwin County, Alabama.

*Refused*

WJ-13

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the Northeast Quarter of the Southeast Quarter of Section 31, Township 3 South, Range 3 East, in Baldwin County, Alabama.

*Refused*

WJ-14

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the West Half of the Northeast Quarter of Section 32, Township 3 South, Range 3 East, in Baldwin County, Alabama.

*Refused*

WJ-15

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the Northeast Quarter of the Northeast Quarter of Section 3, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WJ-16

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the West Half of the Northwest Quarter of the Northeast Quarter, of Section 3, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WJ-17

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the East Half of the Northwest Quarter of Section 3, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WJ-18

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the Southeast Quarter of the Northeast Quarter of Section 10, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WJ-19

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on Section 11, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on that part of the North Half of Section 12, Township 4 South, Range 2 East, in Baldwin County, Alabama, South of Hunawell Creek.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the Southwest Quarter of Section 12, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the West Half of the Southeast Quarter of Section 12, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the Northwest Quarter of Section 13, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*



WJ-24

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the West Half of the Northeast Quarter of Section 13, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WJ-25

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the West Half of the Southwest Quarter of Section 13, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WJ-26

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the Southeast Quarter of the Southwest Quarter of Section 13, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WJ-27

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the Southwest Quarter of the Southeast Quarter of Section 13, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the Southwest Quarter of Section 27, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the East Half of the Northwest Quarter of Section 27, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the South Half of the Northeast Quarter of Section 27, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the Northeast Quarter of the Northeast Quarter of Section 27, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the Southeast Quarter of Section 28, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

WJ-33

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the Northwest Quarter of the Southwest Quarter of Section 28, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

WJ-34

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the South Half of the Northwest Quarter of Section 28, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

WJ-35

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the Northeast Quarter of the Northwest Quarter of Section 28, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

WJ-36

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the North Half of the Northwest Quarter of Section 34, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

WJ-37

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the Southeast Quarter of Section 34, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

WJ-38

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the Southeast Quarter of Section 7, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

WJ-39

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the Southwest Quarter of the Southwest Quarter of Section 17, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on Section 18, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on Section 19, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the Northwest Quarter of the Northwest Quarter of Section 20, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the South Half of the Northwest Quarter of Section 20, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the South Half of Section 20, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on Section 29, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on Section 30, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the East Half of the Northeast Quarter of Section 13, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WJ-48

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the South Half of Section 13, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WJ-49

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the West Half of the Northeast Quarter of Section 24, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WJ-49a

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the Northwest Quarter of Section 24, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WJ-50

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the East Half of Section 25, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WJ-51

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on that part of Section 34, Township 2 South, Range 2 West, East of Chickasaw Creek, in Mobile County, Alabama.

*Refused*

WJ-52

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the Northeast Quarter of the Northeast Quarter of Section 35, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WJ-53

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the South Half of the Northeast Quarter of Section 35, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WJ-54

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the Northwest Quarter of the Northwest Quarter of Section 35, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*



The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the South Half of the Northwest Quarter of Section 35, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WJ-56

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the South Half of Section 35, Township 2 South, Range 2 West, in Mobile County, Alabama, East of Chickasaw Creek.

*Refused*

WJ-57

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on that part of Section 2, Township 3 South, Range 2 West, in Mobile County, Alabama, East of GM&O Railroad.

*Refused*

WJ-58

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on that part of Section 11, Township 3 South, Range 2 West, East of GM&O Railroad, in Mobile County, Alabama, less part to college.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the Southeast Quarter of Section 33, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WJ-60

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the Southwest Quarter of the Northwest Quarter of Section 34, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WJ-61

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the Northeast Quarter of Section 4, Township 3 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WJ-62

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the East Half of the Southeast Quarter of Section 4, Township 3 South, Range 2 West, in Mobile County, Alabama, less part sold.

*Refused*

WJ-63

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the South Half (part) of Section 3, Township 3 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WJ-64

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on the Northeast Quarter (part) of Section 3, Township 3 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WJ-65

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the amended Complaint for wrongfully taking timber situated on Section 10, Township 3 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WJ-66

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on that part of the Southwest Quarter of the Southwest Quarter of Section 27, Township 2 South, Range 2 East, Baldwin County, Alabama, Northeast of Stoney Hill Creek.

*Refused*

WJ-67

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the Southwest Quarter of the Northwest Quarter of Section 22, Township 3 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WJ-68

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the West Half of the West Half of Section 32, Township 3 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WJ-69

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the East Half of the Southeast Quarter of Section 34, Township 3 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WJ-70

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the Southeast Quarter of the Southwest Quarter of Section 34, Township 3 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the West Half of the West Half of Section 35, Township 3 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WJ-72

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the Southeast Quarter of the Northeast Quarter of Section 31, Township 3 South, Range 3 East, in Baldwin County, Alabama.

*Refused*

WJ-73

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the Northeast Quarter of the Southeast Quarter of Section 31, Township 3 South, Range 3 East, in Baldwin County, Alabama.

*Refused*

WJ-74

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the West Half of the Northeast Quarter of Section 32, Township 3 South, Range 3 East, in Baldwin County, Alabama.

*Refused*

WJ-75

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the Northeast Quarter of the Northeast Quarter of Section 3, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WJ-76

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the West Half of the Northwest Quarter of the Northeast Quarter of Section 3, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WJ-77

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the East Half of the Northwest Quarter of Section 3, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WJ-78

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the Southeast Quarter of the Northeast Quarter of Section 10, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on Section 11, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on that part of the North Half of Section 12, Township 4 South, Range 2 East, South of Hunawell Creek, in Baldwin County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the Southwest Quarter of Section 12, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the West Half of the Southeast Quarter of Section 12, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WJ-83

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the Northwest Quarter of Section 13, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WJ-84

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the West Half of the Northeast Quarter of Section 13, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WJ-85

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the West Half of the Southwest Quarter of Section 13, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WJ-86

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the Southeast Quarter of the Southwest Quarter of Section 13, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*



WJ-87

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the Southwest Quarter of the Southeast Quarter of Section 13, Township 4 South, Range 2 East, in Baldwin County, Alabama.

*Refused*

WJ-88

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the Southwest Quarter of Section 27, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

WJ-89

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the East Half of the Northwest Quarter of Section 27, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

WJ-90

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the South Half of the Northeast Quarter of Section 27, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

WJ-91

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the Northeast Quarter of the Northeast Quarter of Section 27, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

WJ-92

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the Southeast Quarter of Section 28, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

WJ-93

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the Northwest Quarter of the Southwest Quarter of Section 28, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

WJ-94

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the South Half of the Northwest Quarter of Section 28, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

WJ-95

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the Northeast Quarter of the Northwest Quarter of Section 28, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

WJ-96

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the North Half of the Northwest Quarter of Section 34, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

WJ-97

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the Southeast Quarter of Section 34, Township 1 South, Range 4 West, in Mobile County, Alabama.

*Refused*

WJ-98

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the Southeast Quarter of Section 7, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

WJ-99

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the Southwest Quarter of the Southwest Quarter of Section 17, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

WJ-100

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on Section 18, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

WJ-101

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on Section 19, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

WJ-102

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the Northwest Quarter of the Northwest Quarter of Section 20, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

WJ-103

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the South Half of the Northwest Quarter of Section 20, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

WJ-104

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the South Half of Section 20, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

WJ-105

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on Section 29, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

WJ-106

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on Section 30, Township 2 South, Range 1 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the East Half of the Northeast Quarter of Section 13, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

---

WJ-108

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the South Half of Section 13, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WJ-109

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the West Half of the Northeast Quarter of Section 24, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WJ-110

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the Northwest Quarter of Section 24, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WJ-111

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the East Half of Section 25, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WJ-112

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on that part of Section 34, Township 2 South, Range 2 West, in Mobile County, Alabama, East of Chickasaw Creek.

*Refused*

WJ-113

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the Northeast Quarter of the Northeast Quarter of Section 35, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WJ-114

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the Amended Complaint for trespass on the South Half of the Northeast Quarter of Section 35, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WJ-115

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the Northwest Quarter of the Northwest Quarter of Section 35, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the South Half of the Northwest Quarter of Section 35, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WJ-117

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the South Half of Section 35, Township 2 South, Range 2 West, in Mobile County, Alabama, East of Chickasaw Creek.

*Refused*

WJ-118

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on that part of Section 2, Township 3 South, Range 2 West, East of GM&O Railroad, in Mobile County, Alabama.

*Refused*

WJ-119

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on that part of Section 11, Township 3 South, Range 2 West, in Mobile County, Alabama, East of GM&O Railroad, less part to college.

*Refused*



WJ-120

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the Southeast Quarter of Section 33, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WJ-121

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the Southwest Quarter of the Northwest Quarter of Section 34, Township 2 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WJ-122

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the Northeast Quarter of Section 4, Township 3 South, Range 2 West, in Mobile County, Alabama.

*Refused*

WJ-123

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the East Half of the Southeast Quarter of Section 4, Township 3 South, Range 2 West, in Mobile County, Alabama, less part sold.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the South Half (part) of Section 3, Township 3 South, Range 2 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on the Northeast Quarter (part) of Section 3, Township 3 South, Range 2 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that if you believe the evidence in this case, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the amended Complaint for trespass on Section 10, Township 3 South, Range 2 West, in Mobile County, Alabama.

*Refused*

The Court charges the jury that a civil conspiracy is a combination between two or more persons to accomplish by concert an unlawful purpose or to accomplish a purpose not in itself unlawful by unlawful means and unless you find, ladies and gentlemen of the jury, that N. S. Whitman combined with Choyce E. Windham to accomplish by concert an unlawful purpose or to accomplish a purpose not in itself unlawful by unlawful means, then you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count One of the Complaint as last amended.

*Refused*

WJ-128

The Court charges the jury that you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count One of the Complaint as last amended unless you first determine that there existed a conspiracy between the Defendant, N. S. Whitman, Jr., and Choyce E. Windham and that the damages allegedly caused to the Plaintiff were caused in furtherance of the purpose for which they had conspired.

*Refused*

WJ-129

The Court charges the jury that before they can find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the Complaint as last amended, they must be satisfied from the evidence that the Defendant, N. S. Whitman, Jr., either appropriated the timber to his own use and enjoyment or has destroyed it or is wrongfully withholding the possession thereof from the Plaintiff.

*Refused*

WJ-130

The Court charges the jury that the burden is on the Plaintiff to establish its case to the personal satisfaction of the jury and, unless it has done so, the jury must find for the Defendant, N. S. Whitman, Jr.

*Refused*  
~~*Refused*~~  
*D. J. M.*

WJ-131

The Court charges the jury that every conversion involves the wrongful doing of the acts complained of; and if you believe from the evidence that the Plaintiff made several inspection trips upon the tracts of land from which the timber was allegedly wrongfully taken, and had full knowledge of what was taking place, and either expressly or impliedly consented thereto, then your verdict must be for the Defendant, N. S. Whitman, Jr., under Count Three of the Complaint as last amended.

*Refused*

Complaint as last amended.

*Refused*

WJ-133

The Court charges the jury that before you can find the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the Complaint as last amended, you must be reasonably satisfied from all the evidence that the Defendant, N. S. Whitman, Jr., personally cut and removed the timber from the lands belonging to the Plaintiff described in Count and that this was done without the Plaintiff's express or implied consent.

*Refused*

WJ-134

The Court charges the jury that before you can find the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the Complaint as last amended, you must be reasonably satisfied from all the evidence that the Defendant, Whitman, Jr., personally and wrongfully entered upon the lands of land described in said Count and that such entry was without the Plaintiff's consent.

*Refused*

WJ-135

The Court charges the jury that possession is an indispensable prerequisite to the bringing of an action for trespass to land and that unless you find from the evidence that the Plaintiff, Ray E. Loper Lumber Company, Inc., was in possession, actual or constructive, of each of the parcels of land enumerated in Count Four of the Complaint as last amended, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Four of the Complaint as last amended.

~~*Refused*~~  
*J. H. M.*

The Court charges the jury that an employer is not liable for the wrongful acts committed by independent contractors in his employ and if you find from the evidence that the allegedly wrongful cutting and carrying away of timber complained of in Count Three of the Complaint as last amended was done by parties who were independent contractors of the Defendant, N. S. Whitman, Jr., then you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr. under Count Three of the Complaint as last amended.

*Refused*

WJ-137

The Court charges the jury that for one to be another's employee or agent, the other party must retain the right to direct the manner in which the business shall be done, as well as the result to be accomplished or, in other words, not only what shall be done, but how it shall be done; and if you believe from the evidence that N. S. Whitman, Jr. did not retain this right to direct what was done or how it was to be done with respect to the person or persons who allegedly wrongfully cut and removed timber from lands belonging to the Plaintiff, then you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Court three of the Complaint as last amended.

*Refused*

WJ-138

The Court charges the jury that for one to be another's employee or agent, the other party must retain the right to direct the manner in which the business shall be done, as well as the result to be accomplished or, in other words, not only what shall be done, but how it shall be done; and if you believe from the evidence that N. S. Whitman, Jr. did not retain this right to direct what was done or how it was to be done with respect to the person or persons who allegedly trespassed on lands belonging to the Plaintiff, then you cannot find for the Plaintiff and against the Defendant, N. S. Whitman, Jr., under Count Three of the Complaint as last amended.

*Refused*

WT-130

The Court charges the jury that one who deals with a general agent is not bound to know the extent of his authority and if the Defendant, N. S. Whitman Timber Company, Inc. shows that Choyce E. Windham was Ray E. Loper Lumber Company's agent in the selling of timber and supervision of the cutting thereof, it would have the right to deal with the said Choyce E. Windham in regard to matters connected with the cutting and buying of timber belonging to Ray E. Loper Lumber Company without inquiring into the exact extent of his authority.

*Refused*



WT-129

The Court charges the jury that when a third party, in dealing with an agent, has ascertained the apparent authority with which the principal has clothed the agent, he is under no further obligation to inquire into the agent's actual authority, and in such case, a party dealing with the agent in good faith, relying upon apparent authority with which the principal has clothed the agent in the exercise of reasonable prudence,] is protected by the law as to all contracts made by him with such agent within the scope of the apparent authority of such agent. The Court further charges the jury that if you find that Choyce E. Windham was, during the period of time January, 1964 to November, 1967, the agent of the Plaintiff, Ray E. Loper Lumber Company, Inc., and if you further find that Ray E. Loper Lumber Company, Inc. clothed Choyce E. Windham with the apparent authority to sell its timber and receive payment therefor in whatever manner he saw fit, then the Defendant, N. S. Whitman Timber Company, Inc., was under no further duty to inquire into the said Choyce E. Windham's authority.

*Refused*

The Court charges the jury that for one to be another's employee or agent, the other party must retain the right to direct the manner in which the business shall be done, as well as the result to be accomplished or, in other words, not only what shall be done, but how it shall be done; and if you believe from the evidence that N. S. Whitman Timber Company, Inc., did not retain this right to direct what was done or how it was to be done with respect to the person or persons who allegedly wrongfully cut and removed timber from lands belonging to the Plaintiff, then you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber, Inc., under Count Three of the Complaint as last amended.

*Refused*

The Court charges the jury that so far as concerns the third person dealing with an agent, the agent's "scope of authority" includes not only the actual authorization conferred upon the agent by the principal, but also that which has apparently been delegated to him and if you find that Choyce E. Windham was the agent of the Plaintiff and the Plaintiff had apparently delegated to Choyce E. Windham the authority to sell its timber and receive cash payments from the Defendant, N. S. Whitman Timber Company, Inc., therefor, then you cannot return a verdict for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc.

*Refused*

The Court charges the jury that where a principal has placed an agent in such a situation that a person of ordinary prudence conversant with business usages and the nature of the particular business is justified in assuming that such agent has authority to perform a particular act and deals with the agent upon that assumption, the principal is estopped as against such third person from denying the agent's authority. The Court further charges the jury that if you believe that Choyce E. Windham was the agent of Ray E. Loper Lumber Company, Inc. and that the Defendant, N. S. Whitman Timber Company, Inc., dealt with him as such, then Ray E. Loper Lumber Company, Inc., as principal is estopped from denying that Choyce E. Windham did not have the authority to sell timber for Ray E. Loper Lumber Company, Inc., and receive payment therefor from the Defendant, N. S. Whitman Timber Company, Inc.

*Refused*

The Court charges the jury that to constitute a wrongful conversion there must be a wrongful taking, wrongful detention, illegal assumption of ownership or illegal use made of the timber in controversy and if you find that the Defendant, N. S. Whitman Timber Company, Inc., in good faith, assumed ownership of the said timber after making full payment therefor, then you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the Complaint as last amended.

*Refused*

The Court charges the jury that a corporation is not liable or responsible for the wrongful acts committed, without its knowledge, by independent contractors working for such corporation and if you believe from the evidence that the person or persons committing any trespass on the lands were independent contractors working for the Defendant, N. S. Whitman Timber Company, Inc., then you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Four of the Complaint as last amended.

*Refused*

The Court charges the jury that a corporation is not liable or responsible for the wrongful acts committed, without its knowledge, by independent contractors working for such corporation and if you believe from the evidence that the person or persons wrongfully cutting and removing timber from any lands belonging to the Plaintiff were independent contractors working for the Defendant, N. S. Whitman Timber Company, Inc., then you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the Complaint as last amended.

*Refused*

The Court charges the jury that a civil conspiracy is a combination between two or more persons to accomplish by concert an unlawful purpose or to accomplish a purpose not in itself unlawful by unlawful means and unless you find, ladies and gentlemen of the jury, that N. S. Whitman Timber Company, Inc., combined with Choyce E. Windham to accomplish by concert an unlawful purpose or to accomplish a purpose not in itself unlawful by unlawful means, then you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count One of the Complaint as last amended.

*Refused*

WT-137

The Court charges the jury that you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count One of the Complaint as last amended unless you first determine that there existed a conspiracy between the Defendant, N. S. Whitman Timber Company, Inc. and Choyce E. Windham and that the damages allegedly caused to the Plaintiff were caused in furtherance of the purpose for which they had conspired.

*Refused*

WT-138

The Court charges the jury that before they can find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the Complaint as last amended, they must be satisfied from the evidence that the Defendant, N. S. Whitman Timber Company, Inc., either appropriated the timber to its own use and enjoyment or has destroyed it or is wrongfully withholding the possession thereof from the Plaintiff.

*Refused*

WT-139

The Court charges the jury that the burden is on the Plaintiff to establish its case to the personal satisfaction of the jury and, unless it has done so, the jury must find for the Defendant, N. S. Whitman Timber Company, Inc.

*Refused*

WT-140

The Court charges the jury that every conversion involves the wrongful doing of the acts complained of; and if you believe from the evidence that the Plaintiff made several inspection trips upon the tracts of land from which the timber was allegedly wrongfully taken, and had full knowledge of what was taking place, and either expressly or impliedly consented thereto, then your verdict must be for the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the Complaint as last amended.

*Refused*

*Refused*

WT-142

The Court charges the jury that before you can find Plaintiff and against the Defendant, N. S. Whitman Company, Inc., under Count Three of the Complaint as amended, you must be reasonably satisfied from all the evidence that the Defendant, N. S. Whitman Timber Company, Inc., did cut and removed the timber from the lands belonging to the Plaintiff described in said Count and that this was done without the Plaintiff's express or implied consent.

*Refused*

WT-144

The Court charges the jury that possession is an essential prerequisite to the bringing of an action for trespass on land and that unless you find from the evidence that the Plaintiff, Ray E. Loper Lumber Company, Inc., was in possession, actual or constructive, of each of the parcels enumerated in Count Four of the Complaint as last amended, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Five of the Complaint as last amended.

*Refused*

WT-145

The Court charges the jury that an employer is not liable for the wrongful acts committed by independent contractors in his employ and if you find from the evidence that the Defendant, N. S. Whitman Timber Company, Inc., was guilty of the wrongful cutting and carrying away of timber as set forth in Count Three of the Complaint as last amended, you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the Complaint as last amended.

*Refused*

WT-147

The Court charges the jury that for one to be another's employee or agent, the other party must retain the right to direct the manner in which the business shall be done, as well as the result to be accomplished or, in other words, not only what shall be done, but how it shall be done; and if you believe from the evidence that N. S. Whitman Timber Company, Inc., did not retain this right to direct what was done or how it was to be done with respect to the person or persons who allegedly trespassed on lands belonging to the Plaintiff, then you cannot find for the Plaintiff and against the Defendant, N. S. Whitman Timber Company, Inc., under Count Three of the Complaint as last amended.

*Refused*

A

GIVEN ( )  
REFUSED (4)

W. A. B. B. B. B.  
Judge



DEFENDANT WINDHAM'S CHARGE # 1

The Court charges the Jury that, if you believe the evidence in this case, you must find for the Defendant, Choyce E. Windham, under Count Number One.

GIVEN ( )  
REFUSED (X)

Masabur  
Judge

DEFENDANT WINDHAM'S CHARGE # 2

The Court charges the Jury that, if you believe the evidence in this case, you must find for the Defendant, Choyce E. Windham, under Count Number 2.

GIVEN ( )  
REFUSED (X)

J. A. M.  
Judge

DEFENDANT WINDHAM'S CHARGE # 3

The Court charges the Jury that, if you believe the evidence in this case, you must find for the Defendant, Choyce E. Windham, under Count Number Three.

GIVEN ( )  
REFUSED (X)

D. J. M.  
Judge

DEFENDANT WINDHAM'S CHARGE # 4

The Court charges the Jury that, if you believe the evidence in this case, you must find for the Defendant, Choyce E. Windham, under Count Number Four.

GIVEN ( )  
REFUSED (x)

J. G. W.  
Judge

DEFENDANT WINDHAM'S CHARGE # 5

The Court charges the Jury that, if, after a fair consideration of all the evidence, any individual juror is not reasonably satisfied from the evidence that the Plaintiff is entitled to a verdict in his favor, you can not find for the Plaintiff.

GIVEN (X)  
REFUSED ( )

S. J. M.  
Judge

DEFENDANT WINDHAM'S CHARGE # 6

The Court charges the Jury that the Plaintiff, Ray E. Loper Lumber Company, must make out its case; that the burden is upon it to establish to the reasonable satisfaction of the Jury the truth of the allegations of its Complaint against the Defendant, Choyce E. Windham, and, if the Jury, from the evidence, is not satisfied or are in confusion and uncertainty on this point, you must find for the Defendant, Choyce E. Windham.

GIVEN ( )  
REFUSED (X)

J. A. M.  
Judge

DEFENDANT WINDHAM'S CHARGE # 7

The Court charges the Jury that the burden is on the Plaintiff to reasonably satisfy the Jury as to the proof of every allegation in either the first, second, third or fourth count of his Complaint and, if he has not discharged this burden to the reasonable satisfaction of every member of the Jury, the Jury can not find the issue in favor of the Plaintiff.

GIVEN (4)  
REFUSED ( )

J. A. M.  
Judge

DEFENDANT WINDHAM'S CHARGE #

8

The burden of proof in this case rests on the Plaintiff and, even though you surmise or suspect that the Defendants did or may have done the acts complained of, you can not find for the Plaintiff unless you are reasonably satisfied that they have proved all the material allegations of their Bill of Complaint. A verdict can not rests upon conjecture surmise but must be based on reasonable belief.

GIVEN ( )  
REFUSED (✓)

D. A. M.  
Judge



DEFENDANT WINDHAM'S CHARGE # 9

In Count 3 of its Complaint, the Plaintiff says that the Defendant Windham wrongfully took certain goods which is the property of the Plaintiff, viz: timber.

The Plaintiff cannot recover against the Defendant Windham unless you believe Windham personally took the timber from this land.

GIVEN ( )  
REFUSED (4)

J. D. W.  
Judge

DEFENDANT WINDHAM'S CHARGE # 10

The Plaintiff can not recover under Count 3 in this cause if it consented expressly or impliedly to the acts of the Defendant.

GIVEN ( )  
REFUSED *(initials)*

*D. J. M.*  
Judge

DEFENDANT WINDHAM'S CHARGE # 11

The Plaintiff can not recover under Count 1 in this cause if it consented expressly or impliedly to the acts of the Defendant.

GIVEN ( )  
REFUSED (X)

D. A. M.  
Judge

DEFENDANT WINDHAM'S CHARGE # 12

If you are reasonably satisfied that the Plaintiff is entitled to recover under Count 4, the limit of his damages is to recover for injuries to the lands described in the Bill of Complaint.

GIVEN ( )  
REFUSED (2)

J. A. M.  
Judge

DEFENDANT WINDHAM'S CHARGE # 13

In order for the Plaintiff to recover under Count 4 of his Complaint, they must prove to your reasonable satisfaction the value of the lands before timber was cut therefrom and the value of the lands thereafter.

GIVEN ( )  
REFUSED (✓)

D. J. M.  
Judge

DEFENDANT WINDHAM'S CHARGE NO. 14

The Court charges the Jury that, in order for the Plaintiff to recover under Counts 3 and 4, it must prove to the reasonable satisfaction that the Defendants cut the timber of the Plaintiff without its consent.

GIVEN (X)  
REFUSED ( )

J. J. M.  
Judge

DEFENDANT WINDHAM'S CHARGE # 15

The Court charges the Jury that, in order for the Plaintiff to recover under Counts 3 and 4, they must prove to your reasonable satisfaction that the Plaintiff was either the owner of the property described in these two counts or that they had active or constructive possession of the same.

GIVEN (☒)  
REFUSED ( )

J. A. M.  
Judge

DEFENDANT WINDHAM'S CHARGE # 16

The Court charges the Jury that the Plaintiff can not recover under its counts for both conversion and trespass. The relief is inconsistent. It can not recover under both counts.

GIVEN ☒  
REFUSED ( )

J. A. M.  
Judge



DEFENDANT WINDHAM'S CHARGE # 17

Count 2 of the Plaintiff's Complaint, in essence, says that the Defendant, Choyce E. Windham, and the other Defendants received \$150,000.00 which is the property of the Plaintiff and has failed to deliver this to the Plaintiff. In order to recover against the Defendant, Choyce E. Windham, under this Count, you must be reasonably convinced that he individually received this sum of money for the Plaintiff's use and failed to deliver the same to it.

GIVEN ( )  
REFUSED (2)

J. J. M.  
Judge

DEFENDANT WINDHAM'S CHARGE # 18

The Plaintiff, in Count 4, claims of the Defendant Windham damages for trespassing on certain lands described therein and unless you are reasonably satisfied that the Defendant Windham personally trespassed on this property, the Plaintiff can not recover under this Count.

GIVEN ( )  
REFUSED (✓)

J. J. M.  
Judge

DEFENDANT WINDHAM'S CHARGE # 19

The Plaintiff can not recover under Count 2 in this cause if it consented expressly or impliedly to the acts of the Defendant.

GIVEN ( )  
REFUSED (x)

J. J. M.  
Judge

DEFENDANT WINDHAM'S CHARGE # 20

The Plaintiff can not recover in this cause if it consented expressly or impliedly to the acts of the Defendant.

GIVEN (4)  
~~REFUSED (1)~~

J. J. M.  
Judge

DEFENDANT WINDHAM'S CHARGE # 21

In order for the Plaintiff to recover under Count 3 of his Complaint, they must prove to your reasonable satisfaction the value of the lands before timber was cut therefrom and the value of the lands thereafter.

GIVEN ( )

REFUSED (✓)

J. A. M.  
Judge

DEFENDANT WINDHAM'S CHARGE # 22

The Court charges the Jury that consent is a good defense for damages for trespassing.

GIVEN ( ☒ )  
REFUSED ( ☐ )

D. J. M.  
Judge

DEFENDANT WINDHAM'S CHARGE # 23

The Court charges the Jury that, if you are satisfied from the evidence that the Defendant, Choyce E. Windham, was authorized to enter upon the property of the Plaintiff and cut his timber thereon, you cannot find for the Plaintiff under Counts 3 and 4.

GIVEN ( )

REFUSED ☒

J. S. M.  
Judge