

9799 - Plaintiff's Charge # 1

The Court charges the jury that, if you are reasonably satisfied from the evidence that David Livingston gained entry on the plaintiff Mrs. W. A. Browder's property solely by virtue of a misrepresentation to Mrs. Browder, then I charge you that he was guilty of a trespass on her property.

*Given,
S. J. Mason
Judge*

9799 - Plaintiff's Charge # 2

The Court charges the jury that, if you are reasonably satisfied from the evidence that the defendants committed a trespass on the property of Mrs. W. A. Browder, and if you are further reasonably satisfied that such trespass was committed under circumstances of aggravation or with a reckless and wanton disregard of Mrs. Browder's rights, then you may award such punitive damages as, in your judgment, are sufficient to punish defendants for such conduct and to deter such conduct in the future.

Given
Jeffrey D. Mathison
Judge

9800 - PLAINTIFF'S CHARGE #1

The Court charges the jury that, if you are reasonably satisfied from the evidence that the defendant David Livingston **without her consent** in a rude or in a rough manner touched Alice Shirah (Johnson)[^] on any part of her person, this would be an assault and battery within the meaning of the law.

Jury
J. J. Madison
Judge

9800 - Plaintiff's Charge #2

The Court charges the jury that, in the event that you find that the plaintiff Alice Shirah (Johnson) is entitled to recover, you may assess as damages an amount as punishment against these defendants as will, in your judgment, deter them from committing a like offense.

Given,
Jeffrey J. Macleary
Judge

Defendants Requested Jury Charge # 1

Members of the jury, I charge you that in order for you to return a verdict against the Defendant, Alabama Bonding Company, you must determine from the evidence that David D. Livingston was acting as the agent or employee of Alabama Bonding Company at the time in question. To establish agency, the plaintiff must show that the David Livingston was acting under authority of the ~~other~~ Defendant, *Alabama Bonding Co.* and on ~~his~~^{its} behalf.

Refused
Jeffrey J. Marshall
Judge

Defendants requested Jury charge # ~~1~~ 2

Members of the Jury, I charge you, that if from the evidence you believe that David D. Livingston was admitted into the residence of Mrs. Browder, then you must return a verdict in his favor.

Given
Jeffrey J. Madlock
Judge

DEFENDANTS' REQUESTED CHARGE NO. 3

Members of the Jury, I charge you that if from the evidence you believe that Defendant David D. Livingston was not acting as an agent or employee of Alabama Bonding Company at the time involved in this suit, you must return a verdict in favor of Alabama Bonding Company.

Refused
Jeffery J. Marshall
Judge

DEFENDANTS' REQUESTED CHARGE NO. 24

Members of the Jury, I charge you as a matter of law that you must return a verdict in favor of Defendant Alabama Bonding Company.

*Refused
Jury, malice
judge*

Defendants requested Jury charge # ④ 5

Members of the jury, I charge you that you must
return a verdict in favor of the defendant, David Livingston.

Refused.
Jeffery J. MacBrien
Judge

DEFENDANTS' REQUESTED JURY CHARGE NO. 6

Members of the Jury, I charge you that if you believe that Defendant David D. Livingston, while acting as a agent or employee of Alabama Bonding Company, had in his possession a certified copy of the bond written for Harvey Gilmer in Montgomery, Alabama, at the time in question, you must return a verdict in favor of Alabama Bonding Company.

Refused;
J. J. Malleberry
Judge

DEFENDANTS' REQUESTED CHARGE NO. ~~6~~ 7

Members of the Jury, I charge you that if from the evidence you believe that David D. Livingston had in his possession on the date in question a certified copy of the bond which was written for Harvey Gilmer in Montgomery, Alabama, then you must return a verdict in favor of Defendant David D. Livingston.

Refused
Jeffrey J. Marshall
Judge

DEFENDANTS' REQUESTED CHARGE NO. 8

Members of the Jury, I charge you that for one to be liable of trespass of the lands of another, he must be on that land or in that house without the consent or permission of the owner or the one in lawful possession of that house or land.

Jessie
Jeffery Wadsworth
Judge

DEFENDANTS' REQUESTED CHARGE NO. 9

Members of the Jury, I charge you that one who is in the home of another by the permission of that other person is not guilty of a trespass nor is he liable for a trespass unless he has been asked to leave the premises and wrongfully refused to do so.

Given
Jeffery Maddison
judge.

DEFENDANTS' REQUESTED CHARGE NO. ~~9~~ 10

Members of the Jury, I charge you that one who is acting under authority of a legal process which authorizes him to arrest a particular person is not guilty of a trespass to the lands of anyone when the person whom he is seeking is lodged on that property.

Refused,
Jeffery J. Maulsburn
Judge

DEFENDANTS' REQUESTED CHARGE NO. 11

Members of the Jury, I charge you that under the laws of the State of Alabama, an assault and battery is defined as a wrongful or unlawful threatening or striking of another person. The assault occurs with the threat. The battery occurs with the actual wrongful striking. In order for you to find the Defendants guilty of assault and battery, you must first find that the Defendants actually struck the Plaintiff in an unreasonable, wrongful or unlawful manner.

Given,
Jeffery J. Madlock
Judge

DEFENDANTS' REQUESTED CHARGE NO. 12

Members of the Jury, I charge you that in order for you to return a verdict against the Defendants and assess punitive damages, you must first determine that an assault and battery occurred and secondly, that the Defendant maliciously and willfully committed the assault.

Sworn
Jeffrey J. Marbleman
Judge

DEFENDANTS' REQUESTED CHARGE NO.

13

Members of the Jury, I charge you that a bondsman operating under authority of a certified copy of the bond, may arrest the principal of the bond i.e., the one for whom the bond was made, and such arrest is a lawful arrest. Therefore, one who interferes with the bondsman while the bondsman is carrying out the arrest and transporting a prisoner is violating the laws of the State of Alabama, and the arresting official is justified in using any reasonable ^{means} ~~means~~ to prevent further interference with the execution of his duties.

Refused,
Jefair J. Marbleman
Judge

Defendant's Requested Charge # 14

Members of the jury, I charge you that you must
return a verdict in favor of the defendants and
against the plaintiff Johnson.

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

Defendant's Requested jury charge # 15

Members of the jury, I charge you that you must return a verdict in favor of the defendants and against the plaintiff Browder.

Refused,
Jeffery Mathison
Judge

Defendants' requested jury charge # 16

Members of the jury, I charge you that the laws of Alabama empower a bondsman, under the authority of a certified copy of the bond, to lawfully arrest that person for whom the bond was written.

Given,
Jeffrey M. Madhavan
Judge