

1.

I charge you, gentlemen of the jury, that the Defendant, Clifton Turberville, has filed a plea of contributory negligence in this cause alleging that the driver of the Plaintiff's automobile was himself guilty of negligence at the time and place complained of in the Complaint which negligence proximately contributed to the injuries and damages sustained by the Plaintiff, if any. If you are reasonably satisfied from all of the evidence in this case that the driver of the Plaintiff's vehicle at the time and place alleged in the Complaint was guilty of negligence and that said negligence proximately contributed to the injuries sustained by the Plaintiff, if any, then you must not find for the Plaintiff in this case.

Given
Dejair J. Marshall
Judge

2.

I charge you, gentlemen of the jury, that negligence is defined by the law as the doing of an act which a reasonably prudent person would not do or the failure to do an act which a reasonably prudent person would do under the circumstances existing at said time and place and that the doing of such act or the failure to do such act at said time and place was the proximate cause of injuries thereby resulting to another person.

Refused
Dejair J. Marshall
Judge

3.

I charge you gentlemen of the jury that the violation of a rule of the road as set forth in the statutes of the State of Alabama by a party constitutes negligence and if you are reasonably satisfied from the evidence in this case that the driver of the Plaintiff's vehicle violated a "rule of the road" and if you are further reasonably satisfied that the violation of such rule proximately contributed to the accident and injuries claimed in this case, then you can not return a verdict for the Plaintiff in this case.

~~Refused~~
Jeffery J. Madlock
Judge

5.

I charge you gentlemen of the jury that Title 36 Section 17 Subparagraph (b) of the Code of Alabama 1940 Recompiled 1958 provides in part:

"No person shall turn a vehicle at an intersection unless the vehicle is properly positioned upon the roadway as required in Section 16 of this chapter or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety."

I further charge you that if you are reasonably satisfied from all of the evidence in this case that the driver of the Plaintiff's vehicle violated this Section by turning his vehicle from a direct course upon the roadway when such movement could not be made with reasonable safety and if you are reasonably satisfied from the evidence that this violation proximately contributed to the accident and injuries complained of, then you should not return a verdict for the Plaintiff in this case.

Given,
Jeffrey G. Washburn
Judge

7.

I charge you gentlemen of the jury that the Defendant has filed a Counter Claim against the third party Defendant in this case, David Eugene Davis, and if you are reasonably satisfied from the evidence in this case that the third party Defendant, David Eugene Davis, was guilty of negligence which was the proximate cause of the accident and injuries complained of in this case by the third party Plaintiff, Clifton Turberville, then you may return a verdict in this case in favor of the third party Plaintiff and against the third party Defendant for such amount as you are reasonably satisfied from the evidence will compensate the third party Plaintiff for injuries received by him as a direct and proximate result of such negligence of the third party Defendant.

D. W. W.
Jeffrey J. Wallis
Judge.