

12 092  
CASE NUMBER

**CIRCUIT COURT**

Baldwin COUNTY, ALABAMA

Larkin A. Harris

vs.

George Hejstul

**GIVEN  
CHARGES**

FILED July 25, 1925

Lynice B. Blalock, CLERK

charge 1 - withdrawn  
3000 Judge

DEFENDANT'S CHARGE # 2

The Court charges the Jury that in this case, if you find from the evidence that the home owner selected the brick to be used in the construction of said home and the brick proved to be defective after construction, the liability for this defective material must fall on the supplier and not on the contractor.

GIVEN ✓  
REFUSED \_\_\_\_\_

J. J. [Signature]  
CIRCUIT JUDGE

DEFENDANT'S CHARGE # 3

The Court charges the Jury that a contractor who builds by plans drawn for the home owner by the home owner's architect is not liable for the negligence of the architect in drawing these plans.

GIVEN \_\_\_\_\_  
REFUSED ✓

William A. Madhuber  
CIRCUIT JUDGE

DEFENDANT'S CHARGE # 4

The Court charges the Jury that a builder is not liable for latent defects in material which was purchased from a reputable dealer.

GIVEN ✓  
REFUSED \_\_\_\_\_

Justin A. Wallberg  
CIRCUIT Judge

DEFENDANT'S CHARGE # 5

The Court charges the Jury that for breach of implied warranty the measure of damages is the difference between the value of the house as it was built and the value it would have had if it had been built as it had been impliedly warranted to have been built, if there is any difference.

GIVEN \_\_\_\_\_

REFUSED ✓

Jeffrey A. Markiewicz  
Circuit Judge