

REQUESTED CHARGE NUMBER 1 OF DEFENDANT AND THIRD-PARTY  
PLAINTIFF ERBY HUGGINS

The Court charges the Jury that the following is the  
law of the State of Alabama:

"RESTRICTIONS AS TO SPEED - (a) Any person driving a vehicle on the highway shall drive the same at a careful and prudent speed not greater than is reasonable and proper, having due regard to the traffic, surface and width of the highway and of any other conditions then existing and no person shall drive any vehicle upon a highway at such a speed as to endanger the life, limb or property of any person." Code of Ala., Title 36, Section 5, (a) (1940) (Recomp. 1958).

In the suit brought by Erby Huggins for the damages to his automobile, the Court charges the Jury that, if you find from a preponderance of the evidence that Frankie E. Muzik violated the statute just quoted and that such action proximately caused the damages to the automobile owned by Erby Huggins, and if you further find from a preponderance of the evidence that Erby Huggins was not guilty of any negligence, then in that event, you should return a verdict in favor of Erby Huggins on his claim against Frankie E. Muzik.

*Referred  
W. J. G. Huggins  
Jury*

REQUESTED CHARGE NUMBER 2 OF DEFENDANT AND THIRD-PARTY  
PLAINTIFF ERBY HUGGINS

The Court charges the Jury that the following is the  
law of the State of Alabama:

"RESTRICTIONS AS TO SPEED - (a) Any person driving a vehicle on the highway shall drive the same at a careful and prudent speed not greater than is reasonable and proper, having due regard to the traffic, surface and width of the highway and of any other conditions then existing and no person shall drive any vehicle upon a highway at such a speed as to endanger the life, limb or property of any person." Code of Ala., Title 36, Section 5, (a) (1940) (Recomp. 1958).

In the suit brought by State Farm for the damages to the automobile owned by Anton Muzik, the Court charges the Jury that, if you find from a preponderance of the evidence that Frankie E. Muzik violated the statute just quoted and that such action proximately caused the damages to the automobile driven by her and if you further find from a preponderance of the evidence that Erby Huggins was not guilty of any negligence, then in that event, you cannot return a verdict in favor of State Farm for the damages to the automobile owned by Anton Muzik and driven by his wife Frankie E. Muzik.

*Refused*  
*Erby Huggins*

REQUESTED CHARGE NUMBER 3 OF DEFENDANT AND THIRD-PARTY  
PLAINTIFF ERBY HUGGINS

The Court charges the Jury that the following is the law  
of the State of Alabama:

"FOLLOWING TOO CLOSELY - (a) The driver of a  
motor vehicle shall not follow another vehicle  
more closely than is reasonable and prudent, having  
due regard to the speed of such vehicle and the  
traffic upon and condition of the highway. . . .  
Any person violating any provision of this Section,  
shall be guilty of a misdemeanor." Code of Ala.,  
Title 36, Section 15, (1940) (Recomp. 1958).

In the claim brought by Erby Huggins against Frankie E. Muzik  
for the property damage to the automobile owned by Erby Huggins,  
the Court charges the Jury that, if you find from a preponderance  
of the evidence that Frankie E. Muzik violated the statute just  
quoted and that such action on the part of Frankie E. Muzik was  
the sole proximate cause of the damages to the vehicle owned by  
Erby Huggins, then in that event, the Court charges the Jury  
that you should find for Erby Huggins on his claim against Frankie  
E. Muzik.

*Referred  
to the Jury  
Judge*

REQUESTED CHARGE NUMBER 4 OF DEFENDANT AND THIRD-PARTY  
PLAINTIFF ERBY HUGGINS

The Court charges the Jury that the following is the law of the State of Alabama:

"FOLLOWING TOO CLOSELY - (a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicle and the traffic upon and condition of the highway. . . . Any person violating any provision of this Section, shall be guilty of a misdemeanor." Code of Ala., Title 36, Section 15, (1940) (Recomp. 1958).

In the claim brought by State Farm against Erby Huggins for the property damage to the automobile owned by Anton Muzik, the Court charges the Jury that, if you find from a preponderance of the evidence, Frankie E. Muzik violated the statute just quoted and that such action on the part of Frankie E. Muzik was the sole proximate cause of the damages to the automobile owned by Anton Muzik, then in that event, the Court charges the Jury that you cannot return a verdict in favor of State Farm against Erby Huggins.

*Respectfully,  
L. J. Waters  
Judge*

REQUESTED CHARGE NUMBER 5 OF DEFENDANT AND THIRD-PARTY  
PLAINTIFF ERBY HUGGINS

The Court charges the Jury that the following is the law of the State of Alabama:

"OVERTAKING A VEHICLE - (a) The driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof, and shall not again drive to the right side of the highway until safely clear of such overtaken vehicle.

"(b) The driver of an overtaking motor vehicle not within the business district as herein defined shall give audible warning with his horn or other warning device before passing or attempting to pass a vehicle proceeding in the same direction. Any person violating any of the provisions of this Section, shall be guilty of a misdemeanor."  
Code of Ala., Title 36, Section 12 (1940) (Recomp. 1958).

In the claim brought by Erby Huggins for the damages to his vehicle against Frankie E. Muzik, the Court charges the Jury that, if you find from a preponderance of the evidence, Frankie E. Muzik violated the statute just quoted and that such action on the part of Frankie E. Muzik was the sole proximate cause of the damages to the automobile owned by Erby Huggins, then in that event, the Court charges the Jury that you should find for Erby Huggins on his claim for damages against Frankie E. Muzik.

*Refused*  
*Erby Huggins*  
*judge*

REQUESTED CHARGE NUMBER 6 OF DEFENDANT AND THIRD-PARTY  
PLAINTIFF ERBY HUGGINS

The Court charges the Jury that the following is the law  
of the State of Alabama:

"OVERTAKING A VEHICLE - (a) The driver of any  
vehicle overtaking another vehicle proceeding in  
the same direction shall pass at a safe distance  
to the left thereof, and shall not again drive to  
the right side of the highway until safely clear  
of such overtaken vehicle.

"(b) The driver of an overtaking motor vehicle  
not within the business district as herein defined  
shall give audible warning with his horn or other  
warning device before passing or attempting to pass  
a vehicle proceeding in the same direction. Any  
person violating any of the provisions of this  
Section, shall be guilty of a misdemeanor."  
Code of Ala., Title 36, Section 12 (1940) (Recomp.  
1958).

In the suit brought by State Farm against Erby Huggins for the  
property damage to the vehicle owned by Anton Muzik, the Court  
charges the Jury that, if you find from a preponderance of the  
evidence, that the driver of the Muzik vehicle, Frankie E. Muzik,  
violated the statute just quoted, and that such action on the  
part of Frankie E. Muzik was the sole proximate cause of the  
damages to the automobile driven by her, then in that event, the  
Court charges the Jury that you cannot return a verdict in favor  
of State Farm against Erby Huggins.

Refused  
Walter  
Judge

REQUESTED CHARGE NUMBER 7 OF DEFENDANT AND THIRD-PARTY  
PLAINTIFF ERBY HUGGINS

I charge you, ladies and gentlemen of the Jury, that Erby Huggins was under no duty to assume or anticipate that Frankie E. Muzik would not give her care and attention to her driving, and, if you find from a preponderance of the evidence that Frankie E. Muzik did not give her care and attention to her driving on the occasion complained of, and if you further find from a preponderance of the evidence that Erby Huggins was not guilty of any negligence, then, in that event, the Court charges the Jury that you cannot return a verdict in favor of State Farm for the damages to the vehicle owned by Anton Muzik.

*Refused*  
*Walter J. Judge*

REQUESTED CHARGE NUMBER 5 OF DEFENDANT AND THIRD-PARTY  
PLAINTIFF ERBY HUGGINS

In the claim brought by State Farm against Erby Huggins, I charge you, that Erby Huggins had the right to indulge in the presumption that the highway would be used by other motor vehicle drivers in a lawful manner and that he had a right to continue to indulge in this presumption until, by the exercise of reasonable care, he was alerted to the fact that the contrary existed.

Refund  
W. J. Williams  
J. J. Williams

REQUESTED CHARGE NUMBER 9 OF DEFENDANT AND THIRD-PARTY  
PLAINTIFF ERBY HUGGINS

In the claim brought by State Farm against Erby Huggins for property damage to the car owned by Anton Muzik, I charge you that negligence or fault cannot be inferred by you simply from a showing that an accident occurred which resulted in damages, and you may not guess or speculate as to whether the Defendant Erby Huggins was guilty of negligence or fault which proximately caused damages to the car owned by Anton Muzik.

Released  
By J. Williams

REQUESTED CHARGE NUMBER 10 OF DEFENDANT AND THIRD-PARTY  
PLAINTIFF ERBY HUGGINS

The Court charges the Jury that you cannot return a  
verdict against Defendant Erby Huggins based on speculation,  
conjecture or surmise.

*W. J. Waters, Jr.*  
*Judge*