

The Court charges the jury that although Alabama Power Company is only acquiring an easement or servitude in the land which is the subject of this proceeding to construct and maintain an electric transmission line; the owner of the land can only make such use of the land described in the easement as will in no way interfere with the full and free exercise by Alabama Power Company of the easement taken by it.

Refused
Jessie J. Washburn
judge.

The Court charges the jury that although Alabama Power Company is only acquiring an easement or servitude in the land which is the subject of this proceeding to construct and maintain an electric transmission line together with the right to cut and remove danger trees adjacent to such line on the property adjoining it on the East; the owner of the land can only make such use of the land described in the easement as will in no way interfere with the full and free exercise by Alabama Power Company of the easement taken by it.

Given,
Jeffery J. Maslow
Judge.

The Court charges the jury that Alabama Power Company is acquiring in this proceeding the right to cut down and remove any trees on the property of the condemnee located East of and adjacent to the right-of-way being acquired which constitute or may constitute a danger to the transmission line which it proposes to erect or which might hereafter be erected on the right-of-way; and that applies to trees which are now there, and to trees which might grow there in the future; and the condemnees are entitled to be paid by Alabama Power Company for the acquisition of such right.

Given,
Jefferson G. Madeline
judge.

The Court charges the jury that the landowner is entitled to just and adequate compensation by reason of its property being taken by Alabama Power Company. In order to arrive at the just and adequate compensation in this case, you should, based on all of the evidence in the case, award the landowner the difference between the fair market value of the tract of land involved prior to the taking and the value of that tract after the taking. These values should be determined from all of the evidence as of the time when the application for condemnation was filed by the condemnor. After determining these values and the damages to which the landowner is entitled you should then compute interest at the rate of six percent (6%) per annum on said damages from the time of the actual appropriation of the land by the condemnor until the present time, and then add such interest to the damages in order to arrive at one lump sum as a just and adequate compensation.

Sweeney
J. J. Madison
Judge

The Court charges the jury that in arriving at the just and adequate compensation to which the landowner in this case is entitled, it is proper for you to not only use the value of the land taken, but also any injury to or depreciation in value of the property of the landowner located East of and adjoining the land taken by virtue of the taking by Alabama Power Company of the right to cut and remove danger trees on such adjoining property.

*Given
S. J. [unclear]
Judge.*

The Court charges the jury that in arriving at the just and adequate compensation to which the landowner in this case is entitled, it is proper for you to not only use the value of the land taken, but also an injury to or depreciation in value of the property of the landowner located East of and adjoining the land taken by virtue of the close proximity of the acquired easement to the condemnee's residence.

*Refused,
J. J. Mason
Judge*