

(1)

The Court charges the jury that negligence is defined as the doing of an act that a reasonably careful and prudent person would not do under like or similar circumstances or the failure to do an act which a reasonably careful and prudent person would do under like or similar circumstances. And I further charge you, that before you can find the Defendant guilty of negligence in this case you must be reasonably satisfied from all of the evidence that the Defendant violated this standard of care in some manner.

GIVEN _____

REFUSED

W. W. Walker Jr

The Court charges the jury that if, after a fair consideration of all the evidence in this case, any individual juror is not reasonably satisfied therefrom that the Plaintiff is entitled to a verdict in his favor, then you can not find for the Plaintiff.

GIVEN _____

REFUSED

A handwritten signature in cursive script, appearing to read "Walter J.", is written over the line under the "REFUSED" label.

(3)

The Court charges the jury that if any one of you is reasonably satisfied from the evidence that the Defendant in this case did what an ordinarily prudent person would have done under like or similar circumstances, then you can not find for the Plaintiff.

GIVEN _____

REFUSED

A handwritten signature in cursive script, appearing to read "W. J. Williams", is written over the "REFUSED" line.

(4)

The Court charges the jury that the burden of proof is upon the Plaintiff under his simple negligence count to show that the proximate cause of the Plaintiff's injuries was the direct result of the negligence of the Defendant and if you are not reasonably satisfied from all of the evidence that the Plaintiff has proven such negligence on the part of the Defendant or that any negligence of the Defendant was not the proximate cause of the injuries of the Plaintiff, then your verdict should be for the Defendant on the simple negligence counts.

GIVEN _____

REFUSED _____

A handwritten signature in black ink, appearing to read "G. J. Williams", is written over the signature line of the "REFUSED" section.

(5)

The Court charges the jury that where an injury does not naturally and reasonably follow, according to the ordinary course of events, from the act complained of as negligence, then the act is not the proximate cause of the injury.

GIVEN _____

REFUSED _____

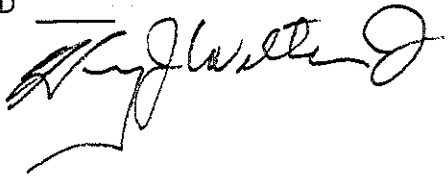
W. J. Williams

(6)

The Court charges the jury that no negligence of the Defendant, if you are reasonably satisfied from all the evidence that the Defendant was guilty of negligence, is actionable unless you are further reasonably satisfied from the evidence that such negligence is the proximate cause or one of the proximate causes of the Plaintiff's injuries.

GIVEN

REFUSED

A handwritten signature in cursive script, appearing to read "W. J. [unclear]", is written over the line under "REFUSED".

(7)

I charge you, gentlemen of the jury, that if you are reasonably satisfied from the evidence that the accident complained of in this case did not occur on public property then the rules of the road as contained in Title 36, Section 1-58(53) of the Code of Alabama of 1940, recompiled 1958, have no application to this case.

GIVEN _____

REFUSED _____

Ray J. Wells

(8)

The Court charges the jury that if you are reasonably satisfied from all the evidence in this case that the driver of the motorcycle on which the Plaintiff, James Alton Black, was riding was negligent in the operation of said motorcycle at the time of the collision between it and the Defendant's automobile and that this negligence on the part of the motorcycle operator was the sole proximate cause of the collision and the Plaintiff's injuries, then you should find a verdict for the Defendant under the simple negligence counts.

GIVEN _____

REFUSED

A handwritten signature in black ink, appearing to read "James Alton Black", with a large, sweeping flourish at the end. The signature is written over the word "REFUSED".

The Court charges the jury that a passenger on a motorcycle may be guilty of contributory negligence which will bar his right to recovery from a negligent third party. Therefore, if you are reasonably satisfied from all of the evidence in this case that the Plaintiff, James Alton Black, in the exercise of common prudence ought to have given some warning to the driver of the motorcycle of carelessness on his part, which the said Plaintiff observed or might have observed in exercising due care for his own safety under the circumstances then existing or if said Plaintiff negligently abandoned the exercise of his own faculties and trusted entirely to the vigilance and care of the driver and this negligence proximately caused the injuries of the Plaintiffs, then you should find for the Defendant under the simple negligence counts.


GIVEN _____

REFUSED 

The Court charges the jury that the Defendant has plead the contributory negligence of the Plaintiff, James Alton Black, in bar to the simple negligence counts of the Complaint. This means that the Plaintiff is not entitled to recover from the Defendant on the simple negligence counts if the jury is reasonably satisfied from all the evidence in the case that the Plaintiff, James Alton Black, should have in the exercise of common prudence given some warning to the driver of carelessness on his part, which he observed or might have observed in exercising due care for his own safety, or if he negligently abandoned the exercise of his own faculties and trusted entirely to the vigilance and care of the driver. What degree of care he should have exercised in accepting the invitation to ride or in observing or calling to the attention of the driver perils unnoticed by the driver depends upon the circumstances at the time of the injury and is for you to decide.

GIVEN

REFUSED

A handwritten signature in cursive script, appearing to read "R. J. Wether J.", is written over the signature lines.

(14)

The Court charges the jury that before a party can be said to be guilty of wanton conduct, it must be shown that the person charged therewith was conscious of his conduct, and conscious, from his knowledge of the existing conditions, that injury would likely or probably result from his conduct, and that, with reckless indifference to the consequences, he consciously and intentionally did some wrongful act, or omitted some known duty, which produced the injury.

GIVEN _____

REFUSED _____

[Handwritten signature]

6
(9)

The Court charges the jury that no negligence of the Defendant if you are reasonably satisfied from all the evidence that the Defendant was guilty of negligence is actionable unless you are further reasonably satisfied from the evidence that such negligence is the proximate cause or one of the proximate causes of the Plaintiff's injuries.

GIVEN

REFUSED

[Handwritten signature]
[Handwritten signature]

PLAINTIFFS' REQUESTED CHARGE NUMBER ONE

The Court charges the Jury that where a passenger in a vehicle has no control over the driver, the negligence of the driver cannot be imputed to the passenger.

*Refused
G. J. White Jr.*

PLAINTIFFS' REQUESTED CHARGE NUMBER THREE

The Court charges the Jury that a passenger in a vehicle is not guilty of contributory negligence for a mere failure to anticipate and prevent the driver's negligent conduct.

Refused
9/27/70
Walter J.