

PLAINTIFF'S CHARGE # 1

Negligence is the wrongful doing of an act or the wrongful omission to act which results in damages, but without intent to do wrong or cause damage. Under this definition, it is not necessary nor does the law require that an intent to do wrong, or an intent to cause injury, should be shown.

GIVEN ✓

REFUSED \_\_\_\_\_

Julian J. Mallick  
Judge

PLAINTIFF'S CHARGE # 2

I charge you gentlemen of the jury that ordinary care is that care which ordinarily prudent persons would exercise under the same, like, or similar circumstances and that the want of that care is negligence.

GIVEN  \_\_\_\_\_

REFUSED  \_\_\_\_\_

Julian J. Mandelbaum  
Judge

PLAINTIFF'S CHARGE # 3

Every theory of negligence involves the question whether some one did or failed to do what a reasonably prudent and competent person would be expected to do under the circumstances.

GIVEN  \_\_\_\_\_

REFUSED  \_\_\_\_\_

Jelmer J. Mashburne  
Judge

PLAINTIFF'S CHARGE # 4

The Court charges the jury that if, under the evidence they are reasonably satisfied that the defendants were guilty of negligence as charged in the complaint, and as a proximate consequence of such negligence plaintiff was injured, then it is your duty to return a verdict in favor of the plaintiff.

GIVEN ✓  
REFUSED \_\_\_\_\_

J. J. Mashburn  
Judge

PLAINTIFF'S CHARGE # 5

Negligence may consist in the omission to act as well as in acting.

GIVEN  \_\_\_\_\_

REFUSED  \_\_\_\_\_

Isabel G. Morrison  
Judge

DEFENDANT'S CHARGE NO. 1

The Court charges you members of the Jury that plaintiff in a negligence case must prove negligence alleged.

Given \_\_\_\_\_

Refused L

J. J. Madole  
CIRCUIT JUDGE

DEFENDANT'S CHARGE NO. 2

The Court charges you members of the Jury that burden is upon plaintiff in negligence action to establish negligence by affirmative proof and negligence will not be inferred by mere showing of an accident resulting in personal injuries.

Given ✓

Refused     

Jessie A. Washburn  
CIRCUIT JUDGE

DEFENDANT'S CHARGE NO. 3

The Court charges you members of the Jury that the mere happening of an accident does not give rise to any presumption of negligence.

Given            

Refused            

Julius A. Madburn  
CIRCUIT JUDGE



DEFENDANT'S CHARGE NO. 7

The Court charges you members of the Jury that negligence cannot be conclusively assumed from mere fact of an accident and an injury.

Given

Refused

J. Blair A. Madison  
CIRCUIT JUDGE