

CHARGE NUMBER 1

The Court charges the jury that the Plaintiff has the burden of proving the material allegations of its Complaint and if the Plaintiff fails to reasonably satisfy you as to any single material allegation of its Complaint then you may not return a verdict for the Plaintiff in this case.

Given

Refused

Jeffrey J. Madhavan
Judge.

CHARGE NUMBER 2

The Court charges the jury that if a railroad company constructs its road across a public road, or highway, the duty devolves upon it to put and keep the crossing in proper repair for the use of the traveling public. This duty will be sufficiently discharged if the highway is maintained in a reasonably safe and convenient condition, so as not to materially impair its usefulness, or interfere with its safe enjoyment by travelers, who exercise ordinary care and prudence for their own safety in using it.

Given ✓

Refused _____

Seafair J. Madibum
Judge

CHARGE NUMBER 3

The Court charges the jury that ~~the~~ the Plaintiff's insured, George Howarth, had the duty in crossing the Defendant's railroad line at a public crossing to keep an ordinary lookout such as prudence would suggest to any traveler, and he would be guilty of contributory negligence in attempting to cross after discovery of a defect in the crossing and you may find that he is guilty of contributory negligence for failure to discover a defect in such crossing should the defect be open and glaring.

Given _____

Refused

W. J. MacArthur
Judge.

CHARGE NUMBER 4

The Court charges the jury that if you are reasonably satisfied from the evidence in this case that on the day and at the place complained of in the Complaint a defect existed on the Defendant's railroad crossing and that the Plaintiff's insured knew of said defect or if you are reasonably satisfied that the defect was open and glaring and could have been discovered by the Plaintiff's insured in the exercise of ordinary care such as prudence would suggest to any traveler notwithstanding which the Plaintiff's insured attempted to cross said crossing and was thereby injured, then he would be guilty of contributory negligence which would be a bar to the Plaintiffs' claim in this case.

Given

Refused

Jeffrey G. Mallett
Judge

CHARGE NUMBER

5

The Court charges the jury that the Defendant has filed a plea of contributory negligence in this case and if you are reasonably satisfied from all of the evidence in the case that the Plaintiff's insured, George Howarth, failed to exercise ordinary care and prudence for his own safety in crossing the L & N Railroad line at the time and place alleged in the Complaint and that such failure proximately contributed to his alleged damages then you should return a verdict for the Defendant in this case.

Given

Refused

William J. Madlock
Judge