

*Robert
D. Moore
Judge*

21. The Court charges the jury that the Defendant's house is regarded in law as his castle and that Jack Titus had no right to enter it to arrest him for a misdemeanor not committed in his presence without a warrant.

3. The Court charges the jury that it was not necessary for the defendant to retreat, because the facts in the case show that the defendant was in his castle.

*Refused
J. Hall, Judge*

Refused
Signature
Judge

6. The Court charges the jury that if they believe from the evidence that Jack Titus went into the defendant's home in an angry manner, threatening the defendant, and the defendant, as a reasonable and prudent man, anticipated great danger or great bodily harm to himself, and in anticipation of this great danger or bodily harm he cut Jack Titus to prevent it, he is not guilty.

Refused
J. M. Ware
Judge

7. The Court charges the jury that an arrest or an attempt to arrest a person without a warrant made by an officer for a misdemeanor not committed in his presence is illegal and the person's resistance to such an arrest constitutes no justification for an assault on him.

*Refused
to Motivate
Judge*

19. The Court charges the jury that to reduce the offense to an assault and battery, it is not necessary that the Defendant, at the time he struck the blow, should have been unconscious of what he was doing; but, if there was a sufficient provocation to excite sudden passion, and the Defendant acted under such passion, then the presumption is that passion disturbed the sway of reason and made him regardless of his act, and, if the jury believe this from the evidence, they may find him guilty of an assault and battery merely.

Refused
J. H. Stone
Judge

B. The Court charges the jury that before an officer can make an arrest without a warrant, when the offense for which the arrest is made was not committed in the presence of the officer, the officer must inform the person arrested of his authority and the cause of his arrest.

A. The court charges the jury that the law does not intend that a citizen shall yield his liberty to the dominion of even a known officer upon his mere demand, who gives no information of his authority.

Refused
J. W. Hare
Judge

23. The court charges the jury
that if you believe the evidence
in this case you should acquit
the defendant.

Refused
J. W. L. Sare
Judge

24. The court charged the jury that if you believe the evidence in this case you cannot convict the defendant of assault with intent to murder.

Refused
J. W. Hare
Judge

22. The Court charges the jury that an officer has no authority to arrest a Defendant for the commission of a misdemeanor without a warrant, unless the offense is committed in the officer's presence.

Refused
J. W. Hare,
Judge

Refused
J. W. Harl
Judge

18. The Court charges the jury that to reduce the offense to assault with a weapon it is not necessary that the Defendant, at the time he cut Jack Titus, should have been unconscious of what he was doing; but, if there was a sufficient provocation to excite sudden passion, and the Defendant acted under such passion, then the presumption is that passion disturbed the sway of reason and made him regardless of his act, and, if the jury believe this from the evidence, they may find him guilty of assault with a weapon merely.

*Refused
F. M. Hall
Judge*

1. The Court charges the jury that the law does not require one who is assailed in his own dwelling to retreat from it, but the law permits him, and says that it is right, to stand his ground and kill his assailant, if necessary to do so to save his life, or to protect himself from great bodily harm, provided he is without fault in bringing on the difficulty. In this case the Court charges the jury that if they believe from the evidence that the defendant was in his dwelling house, and that Jack Titus entered defendant's dwelling house and so acted as to create in the mind of the defendant reasonable belief that he was in danger of his life or sustaining great bodily harm at the hands of Jack Titus, then the defendant under the law, had the right to cut Jack Titus, and take his life, if such action was necessary to protect his own life or to prevent his sustaining great bodily harm at the hands of Jack Titus.

R. S. DUCK

CIRCUIT CLERK

BALDWIN COUNTY

DAY MINETTE, ALA.

Refused charges

State vs. Horace Wilson

12-6-1945

Jayborn Wilkins
Deputy Clerk

THE STATE OF ALABAMA

CIRCUIT COURT

Baldwin County.

SUB. No. _____

Case No. 804

Term. Dec, 1945

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are Hereby Commanded to Summon Hamilton Hull, Fred Walters, Mr. J. C. Mc Loid, Warren Taylor, Thomas Wilson

personally to be and appear before the Circuit Court, to be holden for Baldwin County, at the Court House thereof, in Bay Minette, on the 6th day of Dec, 1945, at 8:30 a.m., and from day to day of said term and from term to term thereafter until discharged, to give evidence and the truth to speak in behalf of THE DEFENDANT in a prosecution now pending in said Court, wherein the State of Alabama is Plaintiff and Storace Wilson

_____ Defendant, and have you then and there this Writ, with your endorsement thereon.

Witness my hand this 3rd day of Dec A. D., 1945

R. S. DUCK, Clerk.

Received in office Dec. 3, 1935

Executed this Dec. 4, 1935

By C. E. Garrett

ORIGINAL

For _____

No. 804 Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court

THE STATE

Vs.

Hoarse Wilson

STATE SUBPOENA

Issued this 3rd day of

Dec., 1935

Sheriff.

R. S. Slusher
Clerk.

Mobile County

ORIGINAL — DEFENDANT SUBPOENA

Baldwin Times, Bay Minette 3 - 24 - 39 - 111

THE STATE OF ALABAMA

CIRCUIT COURT

Baldwin County.

SUB. No. _____

Case No. 804

Term. Dec, 1945

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are Hereby Commanded to Summon

*x 4 Bern
Fred Walters*

(Police Dept)

personally to be and appear before the Circuit Court, to be holden for Baldwin County, at the Court House thereof, in Bay Minette, on the 6th day of Dec, 1945, at 8:30 a.m., and from day to day of said term and from term to term thereafter until discharged, to give evidence and the truth to speak in behalf of THE DEFENDANT in a prosecution now pending in said Court, where-

in the State of Alabama is Plaintiff and

George Wilson

Defendant, and have you then and

there this Writ, with your endorsement thereon.

Witness my hand this

7th

day of

Dec

A. D., 1945

R. S. DUCK, Clerk.

Received in office December 4, 1935

Executed this December 4, 1935

By Mose Bernstein, D.S.

Frank Walters

Wm. H. Halcombe

Sheriff.

1248
C. 100

Ret Dec 6

Mobile County

ORIGINAL

For _____

No. 804

Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court

THE STATE

Vs.

Royce Wilson

STATE SUBPOENA

Issued this

3rd

day of

Dec

1935

R.S. Welch

Clerk.

THE STATE OF ALABAMA,
Baldwin County }

No. ~~23~~ 24

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

You are hereby commanded to summon Jack Titus

to be and appear on the 5th day of November, 1945, before the Grand Jury of said County, at the Court House thereof, then and there to testify and give evidence on behalf of the State of Alabama. Herein fail not, and make due return of this writ with your endorsement thereon.

Witness my hand this 23rd day of Oct A. D., 1945

Clerk.

W. H. ...

ORIGINAL

No. ~~505~~ 24

GRAND JURY SUBPOENA

I have executed this Subpoena by serving a copy thereof on the following persons, to-wit:

*Executed by serving
the within*

this *26* day of *oct*, 194*5*

C. E. Garrett, Sheriff

Moore Printing Co., Bay Minette, Ala.

By M. D. Taylor D.S.

AFFIDAVIT

In the Justice Court of

STATE OF ALABAMA, {
BALDWIN COUNTY

CHAS. C. HAND

Before me, CHAS. C. HAND, Justice of the Peace

in and for said County, personally appeared J. A. Donald who, being
duly sworn, deposes and says on oath that he has probable cause for believing and does believe that in said County, on

or about July 6-1945 that one Horace Wilson
intentionally and with malice aforethought did assault
J. A. Donald, with the intent to murder him

against the peace and dignity of the State of Alabama

Sworn to and subscribed before me this

day of July 7 A. D. 1945

J. A. Donald

J. P.

WARRANT

STATE OF ALABAMA {
BALDWIN COUNTY

TO ANY LAWFUL OFFICER OF SAID COUNTY, Greetings:

You are hereby commanded to arrest

Horace Wilson

and bring

him

before me the State of Alabama on a charge

Assault to Murder

and have you then and there this writ, with your return thereon

Witness my hand this

day of

July

1945

Chas. C. Hand

J. P.

No. 3208

Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

JUSTICE COURT OF

Paul Land

AFFIDAVIT

The State of Alabama

vs.

Harold Nelson

WITNESSES FOR THE STATE

Jack Titus

(John W Titus)

JUSTICE COURT OF
BALDWIN COUNTY

WARRANT OF ARREST

State of Alabama,

vs.

Harold Nelson

Executed this 6 day of July 19 45

at _____ arresting the within

named Defendant

and placing him

Paul
S. G. Garrett

Sheriff

D. S.

THE STATE OF ALABAMA,
Baldwin County

We, Horace Wilson, as

principal, and undersigned as sureties, agree to pay THE STATE OF ALABAMA, the sum of
Seven Hundred and Fifty DOLLARS

unless the said Horace Wilson appear at the

Dec. 3 Fall Term, 1945 of the Circuit Court of Baldwin County, Alabama,

and from term to term thereafter until discharged by law, to answer a criminal prosecution for the offense of

Assault to Murder

We hereby waive as to all amounts that may become due hereunder the benefit of all laws exempting personal property from levy and sale under execution or other process for the collection of debt, by constitution or laws of the State of Alabama, and we hereby severally certify that we have property over and above all debts, liabilities, exemptions and this bond to the amount of: real property of the value of \$2,000.00 and personal property of the value of \$1,000.00.

Sworn to and subscribed before me this

the _____ day of _____, 194_____

Horace Wilson (SEAL)
Thomas Wilson (SEAL)
J. F. Ruff (SEAL)
_____, Baldwin County, Ala. (SEAL)

Taken and approved this the 15th day of Nov, 1945

C. E. Harrett, Sheriff
By [Signature], Deputy Sheriff

No. _____

The State of Alabama,
BALDWIN COUNTY

_____ COURT
SHERIFF'S OFFICE

THE STATE

VS.

Horace Wilson

Sheriff's Appearance Bond

Amount of Bond, \$ _____

Filed _____, 194 _____

_____, Clerk.

THE STATE OF ALABAMA,
Baldwin County.

We, Horace Wilson, as principal, and undersigned as sureties, agree to pay THE STATE OF ALABAMA, the sum of One Thousand DOLLARS unless the said Horace Wilson appear at the Fall Term, 1945 of the Grand Jury Court of Baldwin County, Alabama, and from term to term thereafter until discharged by law, to answer a criminal prosecution for the offense of A W W

We hereby waive as to all amounts that may become due hereunder the benefit of all laws exempting personal property from levy and sale under execution or other process for the collection of debt, by constitution or laws of the State of Alabama, and we hereby severally certify that we have property over and above all debts, liabilities, exemptions and this bond to the amount of: real property of the value of \$2,000.00 and personal property of the value of \$1,000.00.

Sworn to and subscribed before me this _____ the _____ day of _____, 194_____

_____, Baldwin County, Ala.

Horace Wilson (Seal)
Thomas Wilson (Seal)
Lucile Lewis (Seal)
J. F. Thompson (Seal)

Taken and approved this the 17 day of Aug, 1945
C. C. Barrett, Sheriff
By _____, Deputy Sheriff

No. 3258

The State of Alabama,
BALDWIN COUNTY

_____ COURT

SHERIFF'S OFFICE

THE STATE

vs.

Horace Wilson

Sheriff's Appearance Bond

Amount of Bond. \$ _____

Filed _____, 194, _____

_____, Clerk.

Dec - 17 - 45

THE STATE OF ALABAMA, }
Baldwin County }

Circuit Court, Fall Session Term, 1945

The Grand Jury of said County charge that before the finding of this indictment Horace Wilson, whose name to the Grand Jury is otherwise unknown, unlawfully and with malice aforethought, did assault Jack Titus with the intent to murder him,

against the peace and dignity of the State of Alabama.

G. W. Elliott

Solicitor of the Twenty-first Judicial Circuit.

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT

Fall Session Term, 194 5

THE STATE
vs.

Horace Wilson

INDICTMENT

Assault to Murder

No Prosecutor.

WITNESSES:

Jack Titus

GRAND JURY NO. 21

A TRUE BILL

Wm. Dyer
Foreman Grand Jury.

Filed in open Court and in the presence of the

Grand Jury on the 7th day of

November, 1945

R. D. Dyer Clerk

Presented in open Court to the presiding
Judge by the Foreman of the Grand Jury, in
the presence of 17 other Grand Jurors.

R. D. Dyer
Clerk.

Bail fixed \$ 750⁰⁰

A. W. Hare
Judge.

*We the jury find
the defendant
not guilty
E. M. Taylor*

THE STATE OF ALABAMA, { To Any Sheriff of the State of Alabama:
Baldwin County } An indictment having been found against

Horace Wilson.

at the 1st Fall Term, 1945, of the Circuit Court of Baldwin County, for the offense of

Assault to Murder

you are, therefore, commanded forthwith to arrest the said Defendant and commit him
to jail, unless he give bail to answer said indictment, and that you return this Writ accord-
ing to law.

Dated this 7th day of November 1945

Clerk Circuit Court of Baldwin County.

THE STATE OF ALABAMA, {
Baldwin County. }

We, _____, as principal and
the other undersigned as sureties, agree to pay the State of Alabama _____
Dollars, unless the said _____ appears
at the _____ Term of the Circuit Court of Baldwin County, and from Term to Term
thereafter until discharged by law, to answer a criminal prosecution for the offense of _____

In signing the above bond we and each of us hereby waive all legal rights of exemptions allowed
us by the Constitution and Laws of Alabama.

Witness our hands and seals this _____ day of _____, 194_____

- _____ (L. S.)
- _____ (L. S.)
- _____ (L. S.)
- _____ (L. S.)
- _____ (L. S.)

Taken and approved _____ day of _____ 194_____

Sheriff of Baldwin County.

804

CAPIAS

No. 24

THE STATE
vs.

HORACE WILSON.

Executed this 15 day of Nov 1945

By arresting the within

named Defendant

Horace Wilson

and placing him on Bond

Bail Fixed in This Case in Open Court at

\$ 750.00

By F.W. Hare
Judge Presiding.

L. B. Garrett Sheriff.

Attest: R.S. Duck
Clerk.

Deputy Sheriff.

on bond