China A

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.

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.

Star at

The Court sharges the jury that the defendant in this case was under no legal obligation to retreat from the place where the difficulty occurred, but he had the right to stand his ground and repel an attack if any such attack was made.

april of the same

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.

Sold of State

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.

Copyand Shortene

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.

Compare Sundane

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.

3. The court change the geny that if your believe the development 23. The

24. The court changes the jung
that if you believe the surdence
in this case you cannot with mitter
to murder, Refundant your Anti-

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 Hare,

Refused J.W. Harl-Judyl

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.

Pelused July C

The Court charges the jury that the law does not recuire 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. B. DUCK CIRCUIT CLERK

STATEMENT COUNTY

BAY MINETTE, ALA.

Refused charges

State ve. Horace Welson

12-6-1945

Saylor Wilking

Deputy Clark

de la comita de la California de la Cali	CIRCUIT COURT 3. No e No. &O G Term. Alce, 1924
to any sheriff of the state of ala	BAMA:
You are Hereby Commanded to Summor	Hamilton Hull Fred
Walters, Mr. J. C. Me	
Laylor Thomas W	Len
personally to be and appear before the Circuit C	ourt, to be holden for Baldwin County, at the Court
	_day of, 193/5, at 8:30 a.m., and
	term thereafter until discharged, to give evidence and
the truth to speak in behalf of THE DEFENDA	NT in a prosecution now pending in said Court, where-
in the State of Alabama is Plaintiff and — 2	viace Wilson
	Defendant, and have you then and
there this Writ, with your endorsement there witness my hand this 3 day of well	n.

1989.	ORIGINAL
Received in office	
Executed this	For —
By C. E. Garrett	No. 804 Page
	THE STATE OF ALABAMA BALDWIN COUNTY
	Circuit Court
	THE STATE
	Vs.
	House was
	STATE SUBPOENA
	Issued this day of
	1032-4-
	Rs. week
Sheriff.	. Clerk.

	Mobile	Count	1		
ORIGINAL — DEFENDANT	SUBPOENA	· · · · · · · · · · · · · · · · · · ·	Baldwin Time	s, Bay Minette 3 - 2	4 - 39 - 1M

	CIRCUIT COURT
TO ANY SHERIFF OF THE STATE OF ALABAM You are Hereby Commanded to Summon—	MA: x 4 Ben
Polise Depts	
personally to be and appear before the Circuit Cour	rt, to be holden for Baldwin County, at the Court
House thereof, in Bay Minette, on thed from day to day of said term and from term to term the truth to speak in behalf of THE DEFENDANT i	m thereafter until discharged, to give evidence and
in the State of Alabama is Plaintiff and ———————————————————————————————————	ruce Wilson
	Defendant, and have you then and
there this Writ, with your endorsement thereon. Witness my hand this 340 day of 400	

	200) Statistics 6
	Of Mabile Country
Received in office December 41984:	original /
Executed this December 4, 1984	For
By Mose Bernotein, S.	
Tel Halter	THE STATE OF ALABAMA BALDWIN COUNTY
	Circuit Court
	THE STATE - Vs.
	Horne Wilson
	STATE SUBPOENA
	Issued this 3 day of
W. H. Holembe	- R. S. Miles
Sheriff.	Clerk.

GRAND JURY SUBPOENA—ORIGINAL	Moore Printing Co., Eay Minette, .
THE STATE OF ALABAMA, Baldwin County	No. 23 24
TO ANY SHERIFF OF THE STATE OF ALABAMA—O You are hereby commanded to summon Jack Titus	
	•
	<u> 100. – Tropinski de skrijetu</u>
be and appear on the <u>5th</u> day of <u>November</u> is said County, at the Court House thereof, then and there to tate of Alabama. Herein fail not, and make due return of thi Witness my hand this <u>23rd</u> day of <u>Oct</u>	o testify and give evidence on behalf of s writ with your endorsement thereon.

	ORIGINA	L
	No.— s §	§ ₆ 24
GRAN	D JURY S	SUBPOEN/
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this 26	—day of —	, 1945
1.8	Gunell	, Sheri

John H Tilno

JUSTICE COURT OF BALDWIN COUNTY

WARRANT OF ARREST

State of A	Alabama,
Vs.	Hloon
anted this	day of 11/1/19 4.6
erresting the with	
amed Defendent	
and placing him	Janley Lassitt
	Sherifi
	D . S.,

- 7	THE STATE OF ALABAMA,	1		
	Baldwin County		•	
	We. Amace Me	Land		as
	vv e,			, as
	principal, and undersigned as sureties, agr	ee to pay THE STA	TE OF ALABAM	
	Alman M		T.	DOLLARS
	unless the said		<u> </u>	appear at the
LEC	.3 Fall Term, 194 5 of the	Uncuit_	-Court of Baldwin Co	ounty, Alabama,
	and from term to term thereafter until dischar	ged by law, to answer a	criminal prosecution	for the offense of
	assai	of to M	inder/	
Tidl saliment	We hereby waive as to all amounts that personal property from levy and sale under exstitution or laws of the State of Alabama, and above all debts, liabilities, exemptions and \$2,000.00 and personal property of the value	we hereby severally cer this bond to the amo	s for the collection of tify that we have pro unt of: real property	debt, by con- perty over and of the value of
	Sworn to and subscribed before me t	ais	Noroce	Manager (SEAL)
	theday of, 194	<u>.</u> 11	romes IV.	MOVE (SEAL)
		_	Kung)	(SEAL)
	, Baldwin County, A	la.		(SEAL)
	Taken and approved this the	The day of Mou	ma,	
		C	E. Sarre	Sheriff
		By		Deputy Sheriff

. 5,00		.,		Sign.	49		No	
					Landa Name And And And And And And And And And And And And And		The State of Alabama,	
				1.00	- 157	w Dy		
					1 West	er (Mes) Program		
		and a						COURT
		enter Alexander		.m			SHERIFF'S OFF	ICE
		i se fetti Linux Linux					THE STATE	
			: : :				vs.	
A CONTRACTOR	igativen ja	eliting in many		er for transport of the second	D Copage		Horace Wilson	
	* .							:
2 2 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3							Sheriff's Appearance Bo	ond
			· . : .					
				The series			-Amount of Bond, \$	· · · · · · · · · · · · · · · · · · ·
							Filed, 1	94
								C10=1=
							,	Clerk.

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JURY LIST, SECOND WEEK Fall Term, December 3, 1945

No. NAME OCCUPATION ADDRESS	
Fulante mechanic Bay Minetter	
2. Ort-H. Ertzinger, real estate, Bay Minettes	
2. Thomas J. Davidson, merchant, Bay Minette,	
Wirgil O. McMillan, farmer, Bay Minette.	
5. Blaine Dickman, salesman, Bay Minette:	,
6. Herman L. Taylor, mechanic, Bay Minette.	
Z Eugene E Calloway, seafood dealer, Foley.	
8 Jerey Rezek, farmer, Silverhill.	
9- William C. Osbarne, laborer, Forey.	
io Hans Lindoerfer, defense, Elberta	
Morris Taylor, butcher, Bay Minette.	
Henry S. Skipper, farmer Lowley.	
13 Charles S. Mathews, F. S. Admin. Robertsdale.	*
(14.) Norman A. Racine, laborer, Robertsdale.	
(15/ Ernie Beverly, defense, Robertsdale.	
16. Pete Sellers, naval stores, Bay Minette.	
(17:) Pat White, clerk, Robertsdale.	
als Congo II Carry farmer, Folly	
19 John J. Fiddler, farmer, Silverhill.	
20. Morgan A. Lovell, dairyman, Loxley.	
21 John Gottler, farmer, Elberta.	
OZAM-Kobert-Linden, Salversa	
28 Arthur Stenzil furniture Eairhope	÷,
24—Dan-C. Hays, farmer, Foley.	
(25) Preston Fulford, seafood dealer, Bon Secour.	
26—J. Douglas Waters, farmer, Gateswood.	
2. None Dy Lumer, nobertsdange	
28. Young A. Cox-merchant, Stockton	í.
C Mich Dorkers London	
30. Thomas V. Abercrombie, farmer, Robertsdate	
31.—Hurley Ard, farmer, Robertsdale.	
George Holk, insurance Foley.	
Roy Davis, barber, Bay Minette.	
34. Edward Lyrene, farmer, Silverhill.	
Mack Aylin, forester, Bay Minette.	
Scarling Nelson, merchant, Magnolia Springs	٠
Kenneth Johnson, laundry, Fairhope.	
39. William Lens	
40. Joa Krouse to	F
	10

THE STATE OF ALABAMA, Baldwin County.	
We, Horace Ills	o-N as
principal, and undersigned as sureties, agree to	
	Court of Baldwin County, Alabama,
and from term to term thereafter until discharged by la	aw, to answer a criminal prosecution for the offense of
We hereby waive as to all amounts that may be personal property from levy and sale under execution stitution or laws of the State of Alabama, and we here above all debts, liabilities, exemptions and this bond \$2,000.00 and personal property of the value of \$1,000	eby severally certify that we have property over and d to the amount of: real property of the value of 0.00.
Sworn to and subscribed before me this the, 194	Thomas Wilson (Seal)
, Baldwin County, Ala.	July Jewins (Seal)
Taken and approved this the day	
By	, Deputy Sheriff

N	0.	· Sand	Ž
=	State	of	Alabama

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.

Mec-8-17-45

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.

Solicitor of the Twenty-first Judicial Circuit.

The State of Alabama, BALDWIN COUNTY CIRCUIT COURT Fall Session Term, 194 THE STATE vs. Horace Wilson INDICTMENT				
The State	of Ala		a ,	GRAND JURY NO
CIRCUI	i and i indicandi patiti tha i ina tha a dha	A TRUE BILL		
	STATI		Alberteiner ein eine Steinen der der Steine	Filed in open Court and Grand Jury on the
INDIC	ТМЕ	NT		Rhal
ssault to Murder	No	Prosecuto	Or,	Presented in open of Judge by the Foreman of
Jack Titus	NESSES:		Jonand Total Procedure Company	the presence of P
			Ostfoliotechnical property transviction	Bail fixed \$ 752
			e e e e e e e e e e e e e e e e e e e	AM.
			derver in the state of the stat	
			Here we have the state of the s	
	1.3		Martin Principal Section (1997) Security Section (1997) Section (1	
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Moore Printing Co., Bay Minette, Ala.

	disconnection of the
. 24.	THE RESIDENCE OF THE PARTY AND ADMINISTRAL P
	THE PERSON OF THE PERSON OF STREET
oreman Grand Jury.	The second secon
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day of	The state of the s
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Clerk Court to the presiding	Andre dealers the females and re-
the Grand Jury, inother Grand Jurors.	AND THE PERSON NAMED IN A TAXABLE IN A TAXAB
OO Clerk.	offend y py spilyspery yell gates a seemen maps you spilystell spilyspecial part i
Hare	A THE CONTRACT A STATE OF THE S
Judge.	Valid Francisco Andrea (Anni Vide
	mental and the state of the sta
	Sanda a south de

We the Juny finel the defendant not Suilty E. M. Cylin

Sheriff of Baldwin County.

Baldwin County	IVIA, (To		of the State of ctment having be	_
Ecrace	Wilson,	15.	*	
			•	
at the kim, Fall Term, 194-	5, of the Ci	ircuit Court of I	Baldwin County,	for the offense of
	Assemiate	to Murder	±	
		TO MILLIEL.	, , ,	
			hit.	
you are, therefore, commanded forthwit	h to arrest the	said Defendant	ind commit	
	despetation of the forest field to the first of the first	ente 1770 de la calenda de 1770 en estado de 177	e e e 🎢 Newski e ke e e e e e e e e e e e e e e e e	i vivammen jamin meddaj karebaa zi ini vildinin jagangini i kalinim suriva rej
o jail, unless he give be	ail to answer s	aid indictment, a	nd that you return	this Writ accord
ing to law.		·		
Dated this 7th day of	November	<u>P</u>	194_5_	1
			201	n
		T.	DULLEY	
		Clerk Ci	rcuit Court of Bal	dwin County.
THE STATE OF ALARA	RATA)		•	
THE STATE OF ALABA Baldwin County.	IVII Z-X , (
Daldwiii County.	, ,		e e e e e e e e e e e e e e e e e e e	•
			41 160 - 160	
				principal on
We,				-, as principal an
the other undersigned as sureties, agree	to pay the Sta	te of Alabama —		
Same State and the same state an	man was a company		An amountable to	
Dollars, unless the said		The state of the s		appear
				라닐 보호
at the Ten	n of the Circu	it Court of Baldw	in County, and fr	om Term to Ter:
		at managematical for	the afferse of	
thereafter until discharged by law, to ar	iswer a crimini	al prosecution for	the onense of	
In signing the above bond we an	d each of us h	ereby waive all lo	egal rights of ex	emptions allowe
us by the Constitution and Laws of Ala		9		•
·				
Witness our hands and seals this	d a	v of	194	**·A .
Witness our names and sears this		· ·	, 101	
	(L. S.)			
	(L. S.)	en e	AMERICAN AND AN ARRANGE STATE OF THE STATE O	
	/T 0)			
	(L. S.)			e e e e e e e e e e e e e e e e e e e
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		2.00		

CAPIAS

No. 24 THE STATE

HORACE WILSON.

Bail Fixed in This Case in Open Court at

\$_750.0Q

By F.W. Hare
Judge Presiding.

Attest: R.S. Duck. Clerk.

Executed this 15 day of Nov 1945

By arresting the within

named Defendant

Horace Welson

and placing him on Bond

le & Salvett Sheriff.

__Deputy Sheriff,

sun bond,