

①

No. 1

~~INSTRUCTION No. 5.~~

X  
The court instructs the jury that whoever kills a human being with malice aforethought is guilty of murder. A murder which is perpetrated by poison, lying in wait, or any <sup>other</sup> kind of wilful, deliberate, and premeditated killing is murder in the first degree; all other murder is murder in the second degree.

1871

The first in the series is the first of the series, a number being  
also called "The first of the series" in the first of the series.  
The first in the series is the first of the series, a number being  
also called "The first of the series" in the first of the series.  
The first in the series is the first of the series, a number being  
also called "The first of the series" in the first of the series.

No. 2

~~INSTRUCTION~~ No. 18.

X Malice aforethought as used in the foregoing instruction means any formed design of doing mischief ~~to the deceased~~ whether arising from hatred and revenge against the deceased or from a perverse malignity and depravity of heart in general.

Ms. 3

INSTRUCTIONS

When a document is used in the following manner  
it is to be used in the following manner  
it is to be used in the following manner  
it is to be used in the following manner

~~3~~ No. 3

When the killing is wilful, deliberate and premeditated the law  
infers malice from this fact.

10-3

THE UNIVERSITY OF CHICAGO  
LIBRARY



(3)

~~111~~ No. 4

On a charge of murder, malice is presumed from the fact of killing. When the killing is proved and is unaccompanied with circumstances of palliation the burden of disproving malice is thrown upon the accused.

101  
102

On a charge of murder, said in testimony from the fact of  
killing. When the killing is proved and is characterized with  
circumstances of malice the burden of disproving malice is upon  
the defendant.



(2) (3) (4)

No. 6

187. that every

The court instructs the jury: ~~every~~ unlawful homicide is presumed by law to be murder in the second degree; if the Commonwealth would elevate the offence to murder in the first degree, it must prove the characteristics of that offence, and if the prisoner would reduce the offence, the burden of proof is on him.

~~12/1/19~~

12/1/19

12/1/19

The Court instructs the jury: ~~to~~ <sup>to</sup> advise whether the defendant is guilty or not guilty of the offense charged in the indictment. If the defendant is found guilty, the Court will advise the jury of the punishment to be imposed. If the defendant is found not guilty, the Court will advise the jury of the punishment to be imposed. If the defendant is found guilty of a lesser offense, the Court will advise the jury of the punishment to be imposed.

No. 6

X  
The court further instructs the jury that to constitute a wilful, deliberate, and premeditated killing it is not necessary that the intention to kill should exist any particular length of time prior to the actual killing. It is only necessary that such intention should come into existence for the first time at the time of killing, or any time previously.

1-2-2

The court further instructs the jury that to constitute a  
felony, deliberate, and premeditated killing it is not necessary  
that the intention to kill should exist any previous moment of  
time prior to the actual killing. It is only necessary that such  
intention should exist at the time of the killing, or any time previous.

~~(4)~~ (5)  
no. 7

A mortal wound given with a deadly weapon in the previous possession of the slayer, without any or upon very slight provocation is prima facie wilful, deliberate and premeditated killing and throws upon the accused the necessity of proving extenuating circumstances.

(117)  
 1917

A useful sound given with a bodily weapon in the presence  
 of the object, without any or upon very slight motion  
 then in some cases slight, deliberate and sometimes killing and  
 there upon the sound the necessity of being distinguished  
 distinguished



ter. No. 8

If the jury believe from the evidence that the killing ~~afere-~~  
~~used~~ was malicious but not wilful, deliberate and premeditated, then  
such killing <sup>is</sup> ~~was~~ murder in the second degree.

It may be seen from the evidence that the killing was  
deliberate and premeditated, and that the defendant  
was guilty of the crime in the second degree.

No. 9

If the jury believe from the evidence that the prisoner killed the deceased in execution of a malicious purpose to do the deceased a serious personal hurt by wounding him the offence is murder.

No. 10

The Court instructs the jury that where on a charge of murder the prisoner pleads self defence, then the burden is upon the prisoner to prove to the satisfaction of the jury that he acted in self defence.

No. 9

It is the duty of the State to protect the public health and to prevent the spread of contagious diseases. It is the duty of the State to protect the public health and to prevent the spread of contagious diseases.

No. 10

The State has a duty to protect the public health and to prevent the spread of contagious diseases. It is the duty of the State to protect the public health and to prevent the spread of contagious diseases. It is the duty of the State to protect the public health and to prevent the spread of contagious diseases.



No. 11

~~Instruction No. 19.~~

~~As a qualification of the foregoing instruction (No. 19)~~

X  
The jury are further instructed that the bare fear of bodily harm, however ~~XXXXXXXXXX~~ honestly and seriously entertained, will not ~~of~~ itself constitute a justification of a homicide on the principle of self defense, but there must be some act menacing present peril, or some thing in the attending circumstances indicative of a present purpose on the part of the deceased to make the apprehended attack. The act so done by the deceased, or the circumstances thus existing, must be of such a character as to afford a reasonable ground for the prisoner's believing at the time that the deceased intended <sup>as stated in his confession</sup> ~~there~~ <sup>then</sup> to kill him or to do him serious bodily harm.

*Apparatus description*

14-11

INSTITUTIONAL

As a result of the investigation conducted by the  
 the fact that the institution has the same form of policy  
 however  
 management generally and certain aspects, will not be  
 considered a justification of a practice on the principle of self  
 defense, but there must be some self-defending present  
 more than in the attending circumstances indicative of a present  
 purpose on the part of the defendant to make the apprehended attack.  
 The act is done by the defendant, or the circumstances thus existing,  
 that he is not a trespasser as in other cases where the ground for  
 the defendant's liability is that he has no lawful interest  
 there to fill him to in his own bodily harm.



~~CONFIDENTIAL~~

No. 12

X  
The court instructs the jury that proof of motive is not essential to the conviction of the prisoner, so that even though they believe from the evidence that no motive has been directly proven or only a seemingly inadequate motive is proven in the case, the jury may nevertheless convict the prisoner where the evidence is in other respects sufficient under the other instructions in the case; but the absence of any motive, or of any adequate motive, is a circumstance which the jury are entitled to take into consideration in determining the guilt or innocence of the prisoner, or in fixing the grade of his offence.

The first issue is the fact that the evidence is not  
essential to the maintenance of the indictment, so that even though  
they believe from the evidence that no motive has been positively  
proven or only a weakly suggestive motive is proven in the  
case, they may nevertheless convict the prisoner where the  
evidence is in other respects sufficient under the other facts  
to justify the conviction; but the absence of any motive, or of any  
motive in a particular case, is not sufficient to justify the  
acquittal of the prisoner in the absence of other evidence.

Low case  
Revised 1/1/1904  
Wm. C. C. 421

~~115~~ No. 13

The court instructs the jury that voluntary manslaughter is the unlawful killing of a person without malice, actual or implied, upon a sudden heat, on reasonable provocation, or in mutual combat.

10/13

The court instructed the jury that voluntary manslaughter  
is the unlawful killing of a person without malice, which is  
limited, with a sudden heat, or reasonable provocation, or in  
other words.



11  
No. 14

The Court instructs the jury as a matter of law, in considering the case, the jury are not to go beyond the evidence to hunt up doubts, nor must they entertain such doubts as are merely criminal or conjectural. A reasonable doubt must be based upon the evidence or grow out of the evidence. It must not be an arbitrary doubt without evidence to sustain it. It must be serious and substantial in order to warrant an acquittal. It must be a doubt of a material fact or facts necessary for the jury to believe to find a verdict of conviction and not of immaterial and non-essential circumstances.

See Williams v. Commonwealth 85 Va. 807.

See McCue v. Commonwealth 102 Va. 870.

11  
11/11

The court instructs the jury as a matter of law, in a criminal case, that the burden of proof is on the prosecution to prove the guilt of the defendant beyond a reasonable doubt. It is the duty of the jury to believe the evidence if it is satisfied that the evidence is true and that the defendant is guilty. It is not the duty of the jury to believe the evidence if it is satisfied that the evidence is true and that the defendant is not guilty. It is the duty of the jury to believe the evidence if it is satisfied that the evidence is true and that the defendant is guilty. It is not the duty of the jury to believe the evidence if it is satisfied that the evidence is true and that the defendant is not guilty.

Very truly yours,  
The Court

Wm. H. ...

[The remainder of the document is heavily obscured by horizontal folds and is largely illegible.]



No. 14

X

The court instructs the jury that upon the trial of a criminal case by a jury the law contemplates a concurrence of twelve minds in the conclusion of guilt before a conviction can be had. Not only is this true with respect to the guilt of the accused, but it is likewise true with respect to the degree of crime. Therefore, although the jury may believe from the evidence, that the accused is guilty of the killing of the deceased, still, if any individual member of the jury, after having duly considered all of the evidence in this case, and after consultation with his fellow-jurors, should entertain a reasonable doubt as to the degree of the guilt of the accused, it is his duty not to surrender his own convictions as to such degree of guilt simply because the balance of the jury entertain different convictions with respect to such degree.

The court instructs the jury that upon the trial of a  
criminal case by a jury the law is interpreted by a  
twelve man jury consisting of twelve men or twelve  
men and six women. It is the duty of the jury to  
ascertain the facts of the case and to apply the  
law to the facts as found. It is the duty of the  
jury to determine whether or not the defendant is  
guilty of the crime charged. It is the duty of the  
jury to determine whether or not the defendant is  
guilty of the crime charged. It is the duty of the  
jury to determine whether or not the defendant is  
guilty of the crime charged.

Com,

Jan 7th 1898

Albino Bros, Eaton

Brotherhoods

Proves that

the Brokers

No. 15

INSTRUCTION NO. 6.

X

The court instructs the jury that the credibility of witnesses is a question exclusively for the jury, and the law is that where a number of witnesses testify directly opposite to each other, the jury is not bound to regard the weight of the evidence as equally balanced; the jury have the right to determine from the appearance of the witnesses on the stand, their manner of testifying, and their apparent candor and fairness, their apparent intelligence, and from all of the other surrounding circumstances appearing on the trial, which witnesses are more worthy of credit, and to give credit accordingly.

the court instructs the jury that the credibility of witnesses  
is a question for the jury, and the law is that  
where a matter of witness credibility is left to the jury  
to decide, the law is not bound to require the judge to do so  
as well. The law is that the jury is to determine the  
credibility of the witnesses on the facts, their manner of testi-  
fying, and their general conduct and fairness, their apparent bias,  
and from all of the facts surrounding circumstances ap-  
pearing on the trial, with witness and more or less of credit,  
and the law is that the jury is to determine.



No. 16

(2).

If the jury believe from the evidence that previous to the time of the killing, there was a grudge on the part of the prisoner towards the deceased, <sup>and</sup> that the prisoner killed the deceased because of this aforesaid grudge, then such killing was wilful, deliberate and premeditated, and is murder in the first degree.



11.027

(b)

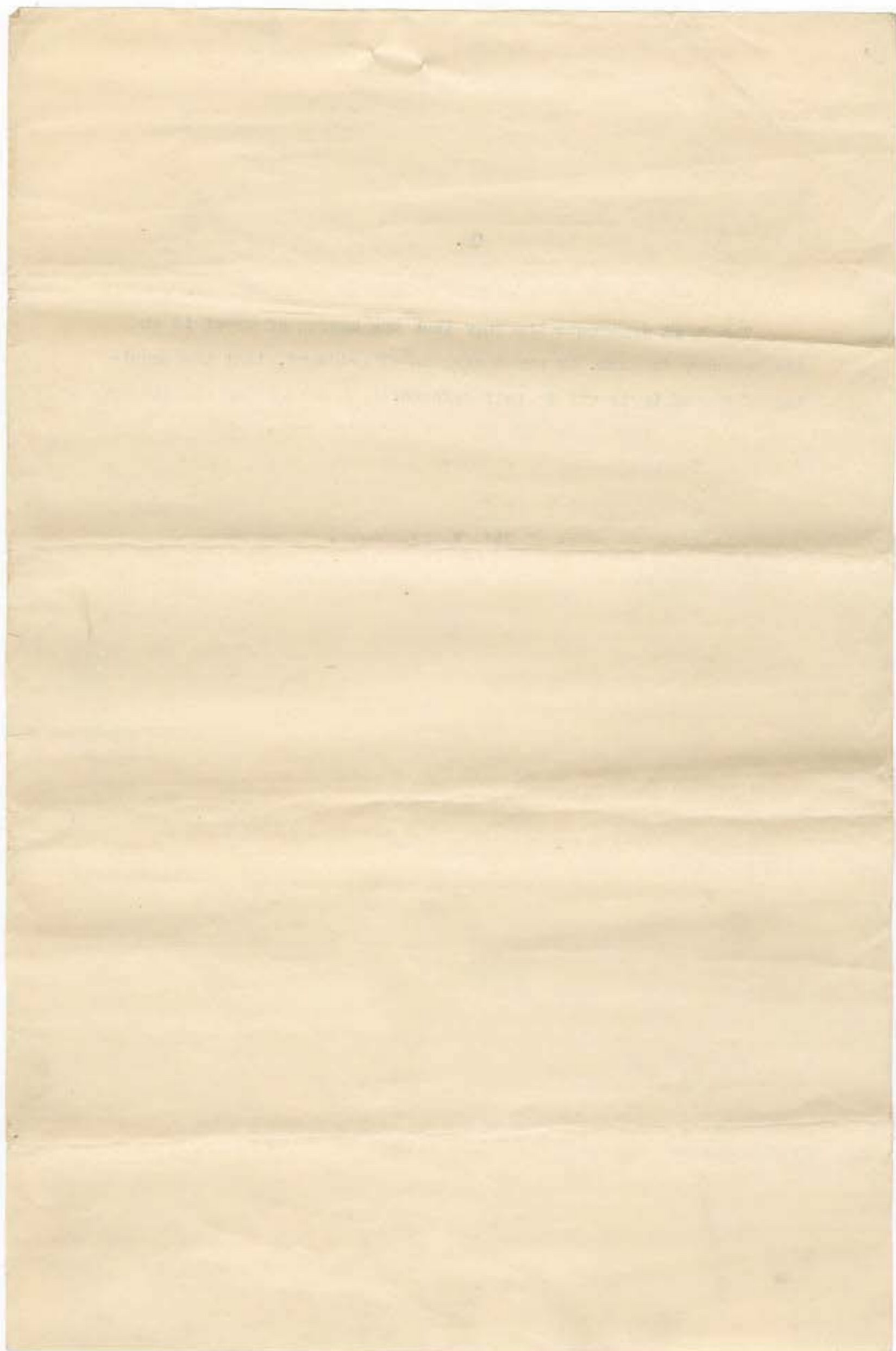
If the jury believe that the evidence that is presented to the jury  
of the killing, there was a struggle on the part of the witness and  
that the defendant, that the witness killed the deceased because of  
this alleged struggle, then such killing was self-defense and  
premeditated, and is proper in the laws of the state.

No. 1

The jury are instructed that the prisoner is presumed to be innocent and that he can not be convicted unless and until his guilt is proven beyond <sup>every</sup> ~~any~~ reasonable doubt.

The jury are instructed that the witness is presumed to  
be truthful and that he can not be convicted unless he will  
his guilt is proven beyond any reasonable doubt.

The Court instructs the jury that the burden of proof is on the prisoner to show, by preponderance of evidence, that the shooting of Warren Davis was in self defense.





(3)

The jury are instructed that if defendant on his part was without fault in bringing about the conditions, which surrounded him at the time he shot Warren Davis, and those conditions were such as reasonably, to cause him to fear that he was in imminent danger of receiving serious bodily harm from Warren Davis, then the defendant is entitled to be acquitted, even though the apparent danger was not real, but if defendant's own misconduct brought about the necessity to shoot in his own defense, then the shooting cannot be justified.



No. 44

The jury are further instructed that the prisoner, from his point of view, had a right to presume that he was in imminent danger of serious bodily harm, if the appearances reasonably indicated that the deadly weapon in the hands of said Davis would be used upon him, and such appearances are of themselves sufficient to raise the presumption that the accused did believe that he was in imminent danger of serious bodily harm, and no other evidence is necessary to prove that the accused was in imminent danger of serious bodily harm; and they are further instructed that for the purposes of this case, it is immaterial whether the said Davis really meant to do him such harm or not, if the appearances, from the point of view of the accused were such as to indicate that he was in such imminent danger of serious bodily harm. *But shooting*

*to protect myself from imminent peril does not justify the plea of self defense if the imminent peril was brought upon defendant by his own misconduct.*



No. 44

The jury are further instructed that the prisoner, from his point of view, had a right to presume that he was in imminent danger of serious bodily harm, if the appearance reasonably indicated that the hands were in the hands of said Davis would be used upon him, and such appearance are of themselves sufficient to raise the presumption that the accused did believe that he was in imminent danger of serious bodily harm, and no other evidence is necessary to prove that the accused was in imminent danger of serious bodily harm; and they are further instructed that for the purpose of this case, it is immaterial whether the said Davis really intended to use his hands or not, if the appearance, from the point of view of the accused were such as to indicate that he was in imminent danger of serious bodily harm.

*[Faint, illegible handwritten text]*

5

If Defendant approached Davis at the time of combat between his brother and Davis, or immediately afterward, then the jury are to consider the manner and circumstances and purposes of such approach, in determining whether the Defendant was without fault in bringing about a condition of peril upon himself. But while defendant had the right to approach the scene of combat between his brother and Warren Davis for a lawful purpose and in a peaceful manner, yet if the jury believe from the evidence that he advanced on Warren Davis with a shot gun in such threatening manner as to cause Warren Davis to honestly and reasonably believe, that there was immediate and imminent danger of attack from him with a deadly weapon, then the jury are instructed defendant cannot rely upon self defence as a justification of his shooting of Warren Davis no matter how great his peril was at the time he shot, his own conduct being responsible for such peril. Such conditions, however, may be considered in mitigation of the offense.



Council

→ {

James Stewart