

# TRANSCRIPT OF RECORD

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## Supreme Court of the United States

OCTOBER TERM, 1944

No. 42

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76:1

M. CLAUDE SCREWS, FRANK EDWARD JONES  
AND JIM BOB KELLY, PETITIONERS,

*vs.*

THE UNITED STATES OF AMERICA

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ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT  
OF APPEALS FOR THE FIFTH CIRCUIT

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PETITION FOR CERTIORARI FILED MARCH 18, 1944.

CERTIORARI GRANTED APRIL 24, 1944.

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UNITED STATES OF AMERICA.

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF GEORGIA—  
ALBANY DIVISION.

No. 1300, Criminal.

M. CLAUD SCREWS; FRANK EDWARD JONES; JIM  
BOB KELLEY,

Appellants,

versus

UNITED STATES OF AMERICA,

Appellee.

Appearances:

Mr. Clint W. Hager and Mr. J. F. Kemp, 505 Connally  
Building, Atlanta, Georgia, and Mr. Robert B.  
Short, Newton, Georgia, Attorneys for Appellants.

Mr. T. Hoyt Davis, United States Attorney, Macon,  
Georgia, and Mr. G. Maynard Smith, Special Assist-  
ant to the Attorney General of the United States,  
Washington, D. C., Attorneys for Appellee.

APPEAL from the District Court of the United States for  
the Middle District of Georgia, Albany Division, to  
the United States Circuit Court of Appeals for the  
Fifth Circuit, returnable at the City of New Orleans,  
Louisiana.

United States District Court.

October Term, 1942.

United States of America,  
Macon Division,  
Middle District of Georgia.

The Grand Jurors of the United States, selected, chosen and sworn in and for the Middle District of Georgia, upon their oaths present:

Count One.

1. That on January 29, 1943, and at all times mentioned herein, M. Claud Screws was the duly elected Sheriff of Baker County, Georgia, and was acting in that capacity under and pursuant to the laws of the State of Georgia creating the office of sheriff and prescribing the duties thereof.

2. That on January 29, 1943, and at all times mentioned herein, Frank Edward Jones was employed by the City of Newton, Georgia, as a policeman and night patrolman, and was acting in that capacity under and pursuant to the laws of the State of Georgia and the ordinances and regulations of the municipality of Newton, Georgia, creating the office of police officer and prescribing the duties of said office.

3. That on the evening of January 29, 1943, and in the early hours of the morning of January 30, 1943, in Baker County, Georgia, in the Albany Division of the Middle District of Georgia, and within the jurisdiction of this Court, M. Claud Screws, Frank Edward Jones and Jim Bob Kelley, hereinafter referred to as the "defendants", did unlawfully, willfully and feloniously conspire, combine,

confederate and agree together and with each other to injure and oppress Robert Hall, a Negro citizen of the United States and an inhabitant of the State of Georgia, in the free exercise and enjoyment of rights, privileges and immunities secured to the said Robert Hall by the Constitution and laws of the United States, to-wit, the right to be secure in his person and to be immune from illegal assault and battery; the right and privilege not to be deprived of liberty and life without due process of law; the right and privilege not to be denied equal protection of the laws; the right and privilege not to be subjected to different punishments, pains and penalties by reason of his race and color than are prescribed for the punishment of other citizens; the right and privilege to be tried, upon the charge on which he had been arrested, by due process of law and if found guilty, to be sentenced and punished in accordance with the laws of the State of Georgia; all of said rights, privileges and immunities being secured to the said Robert Hall by the Fourteenth Amendment to the Constitution of the United States as against any person vested with and acting under the authority of the State of Georgia;

That it was the plan and purpose of said conspiracy that the said defendants would, and they did, on the evening of January 29, 1943, and in the early hours of the morning of January 30, 1943, arrest and cause to be arrested the said Robert Hall and that they would, and they did, bring and cause to be brought the said Robert Hall to the well in front of the Courthouse in said Newton, Georgia, and that then and there the defendants would, and they did, unlawfully and wrongfully assault, strike and beat the said Robert Hall about the head with human fists and a blackjack causing injuries to the said Robert Hall which were the proximate and immediate cause of his death on the morning of January 30, 1943.



Contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States. (18 U. S. C. 51.)

Count Two.

And the Grand Jurors aforesaid, upon their oaths aforesaid, do further present:

1. That on January 29, 1943, and in the early hours of the morning of January 30, 1943, in Baker County, Georgia, in the Albany Division of the Middle District of Georgia, and within the jurisdiction of this Court, M. Claud Screws, who was then and there the duly elected sheriff of Baker County, Georgia, acting under the laws of the State of Georgia, creating the office of sheriff and prescribing the duties thereof, and Frank Edward Jones, who was then and there a police officer employed by the municipality of Newton, Georgia, acting under the laws of the State of Georgia and the ordinances and regulations of the municipality of Newton, creating the office of police officer and prescribing the duties of such office, did willfully, unlawfully, and wrongfully, under color of the laws, statutes, ordinances, regulations and customs of the State of Georgia and of the County of Baker in said State and of the municipality of Newton in said County and State, creating the offices of Sheriff of Baker County, State of Georgia, and police officer of the municipality of Newton, Baker County, State of Georgia, subject and cause to be subjected Robert Hall, a Negro citizen and inhabitant of the State of Georgia and of the United States, to the deprivation of rights, privileges and immunities secured and protected to the said Robert Hall by the Constitution and laws of the United States, to-wit, the right to be secure in his person and to be immune from illegal assault and bat-

tery; the right and privilege not to be deprived of liberty and life without due process of law; the right and privilege not to be denied equal protection of the laws; the right and privilege not to be subjected to different punishments, pains and penalties by reason of his race and color than are prescribed for the punishment of other citizens; the right and privilege to be tried, upon the charge on which he had been arrested, by due process of law and if found guilty, to be sentenced and punished in accordance with the laws of the State of Georgia; all of said rights, privileges and immunities being secured to the said Robert Hall by the Fourteenth Amendment to the Constitution of the United States as against any person vested with and acting under the authority of the State of Georgia; that is to say, that on the evening of January 29, 1943, and in the early hours of the morning of January 30, 1943, the defendants arrested and caused to be arrested the said Robert Hall, and brought and caused to be brought the said Robert Hall to the well in front of the Courthouse at Newton, Georgia, and then and there unlawfully and wrongfully did assault, strike and beat the said Robert Hall about the head with human fists and a blackjack causing injuries to the said Robert Hall which were the proximate and immediate cause of his death on the morning of January 30, 1943.

And the Grand Jurors aforesaid, upon their oaths aforesaid, do further present that at the time and place aforesaid, Jim Bob Kelley, well knowing all the premises aforesaid did, in the Albany Division of the Middle District of Georgia and within the jurisdiction of this Court, unlawfully, knowingly and willfully did and abet in the commission by Sheriff M. Claud Screws and Night Patrolman Frank Edward Jones of the offense described in this count.

Contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States. (18 U. S. C. 52; 18 U. S. C. 550.)

### Count Three.

And the Grand Jurors aforesaid, upon their oaths aforesaid, do further present:

1. That all of the allegations contained in paragraphs 1 and 2 of Count One of this indictment are here incorporated by reference as though fully set out;

2. That on the evening of January 29, 1943, and in the early hours of the morning of January 30, 1943, in Baker County, Georgia, in the Albany Division of the Middle District of Georgia, and within the jurisdiction of this Court, M. Claud Screws, Frank Edward Jones and Jim Bob Kelley, hereinafter referred to as the "defendants", did unlawfully, wilfully and feloniously combine, conspire, confederate and agree together and with each other to commit an offense against the United States of America, to-wit, to violate Title 18, Section 52, United States Code, that is to say, during the period set forth above, the said defendants did combine, conspire, confederate and agree together and with each other, that they would, under color of the laws, statutes, ordinances, regulations and customs of the State of Georgia and of the County of Baker in said State and of the municipality of Newton in said County and State, creating the offices of sheriff of Baker County, State of Georgia, and police officer of the municipality of Newton, Baker County, State of Georgia, willfully subject and cause to be subjected Robert Hall, a Negro citizen and inhabitant of the State of Georgia and of the United States, to the deprivation of rights, privileges



and immunities secured and protected to the said Robert Hall by the Constitution and laws of the United States, to-wit, the right to be secure in his person and to be immune from illegal assault and battery; the right and privilege not to be deprived of liberty and life without due process of law; the right and privilege not to be denied equal protection of the laws; the right and privilege not to be subjected to different punishments, pains and penalties by reason of his race and color than are prescribed for the punishment of other citizens; the right and privilege to be tried upon the charge on which he had been arrested, by due process of law and if found guilty, to be sentenced and punished in accordance with the laws of the State of Georgia; all of said rights, privileges and immunities being secured to the said Robert Hall by the Fourteenth Amendment to the Constitution of the United States as against any person vested with and acting under the authority of the State of Georgia;

That it was the plan and purpose of said conspiracy that the said defendants would, and they did, on the evening of January 29, 1943, and in the early hours of the morning of January 30, 1943, arrest and cause to be arrested the said Robert Hall, and that they would, and they did, bring and cause to be brought the said Robert Hall to the well in front of the Courthouse in said Newton, Georgia, and that then and there the defendants would, and they did, unlawfully and wrongfully assault, strike and beat the said Robert Hall about the head with human fists and a blackjack, causing injuries to the said Robert Hall which were the proximate and immediate cause of his death on the morning of January 30, 1943.

And the Grand Jurors aforesaid, upon their oaths aforesaid, do further present:



That the defendants, to effect the objects of the conspiracy and in furtherance thereof, did at the several times hereinafter mentioned, knowingly, willfully and feloniously commit certain overt acts including the following:

#### Overt Acts.

1. That on the evening of January 29, 1943, the defendants Frank Edward Jones and Jim Bob Kelley, at the request of the defendant M. Claud Screws, drove to the home of the said Robert Hall near Newton, Georgia, in an automobile belonging to the defendant M. Claud Screws.

2. That on the evening of January 29, 1943, the defendants Frank Edward Jones and Jim Bob Kelley arrested the said Robert Hall at his home near Newton, Georgia, handcuffed the said Robert Hall and placed him so handcuffed in the rear seat of the automobile belonging to the defendant Mr. Claud Screws.

3. That on the evening of January 29, 1943, and in the early hours of the morning of January 30, 1943, the defendants Frank Edward Jones and Jim Bob Kelley drove the said Robert Hall, so handcuffed, from his home near Newton, Georgia, to the well in front of the Court-house in Newton, Georgia, in the automobile belonging to the defendant M. Claud Screws.

4. That on the evening of January 29, 1943, and in the early hours of the morning of January 30, 1943, the defendants M. Claud Screws, Frank Edward Jones and Jim Bob Kelley, at and near the well in front of the Court-house in Newton, Georgia, unlawfully and wrongfully did assault, beat and strike the said Robert Hall about the

head with human fists and a blackjack, felling the said Robert Hall to the ground while still handcuffed, and continued to beat, strike and assault the said Robert Hall as aforesaid after he had been felled to the ground.

5. That on the evening of January 29, 1943, and in the early hours of the morning of January 30, 1943, the defendants Frank Edward Jones and Jim Bob Kelley dragged the unconscious body of the said Robert Hall from the well in front of the Courthouse at Newton, Georgia, up the concrete walkway, through the Courthouse into the jail in back of said Courthouse at Newton, Georgia, and left the said Robert Hall lying unconscious on the floor of said Jail.

6. That in the early hours of the morning of January 30, 1943, the defendant Frank Edward Jones entered the jail at Newton, Georgia, and removed from the unconscious body of the said Robert Hall the handcuffs with which he had been fettered from the time he was placed in the car belonging to the defendant M. Claud Screws as aforesaid.

Contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States. (18 U. S. C. 88.)

ROY I. NEAL,

Foreman of the Grand Jury.

JOHN P. COWART,

Assistant United States Attorney.

United States District Court, Middle District of Georgia,  
Macon Division.

The United States of America

vs.

No. 1300.

M. Claud Screws; Frank Edward Jones; Jim Bob Kelley.

Indictment.

Violation: 18 U. S. C. A., 51 and 52.

A true bill:

ROY I. NEAL, Foreman.

Filed in open Court this 10 day of April, A.D. 1943.

GEO. F. WHITE, Clerk.

Bail, \$7500.00 each.

PLEA.

The defendants, M. Claud Screws, Frank Edward Jones and Jim Bob Kelley waives arraignment and pleads not guilty this 4 day of Oct., 1943.

CLINT W. HAGER,

FRANK KEMP &

ROBT. B. SHORT,

Attys. for Defts.

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VERDICT.

We, the jury, find the defendants, Guilty on Counts 2 & 3, this Oct. 7, 1943.

J. B. JENKINS, Foreman.

## JUDGMENT AND COMMITMENT.

District Court of the United States, Middle-Georgia District, Albany Division.

United States  
vs.  
M. Claud Screws.

No. 1300 Criminal Indictment in Three Counts for Violation of U. S. C. Title 18, Secs. 51 and 52.

On this 4th day of October, 1943, came the United States Attorney, and the defendant, M. Claud Screws appearing in proper person, and by counsel, and,

The defendant having been convicted on verdict of guilty of the offense charged in the Indictment in the above-entitled cause, to-wit, Counts Two and Three—Wilfully, unlawfully and wrongfully, under color of the laws, statutes, ordinances and regulations of the State of Georgia, County of Baker, subjected one Robert Hall, a negro citizen of the State of Georgia and of the United States, to the deprivation of rights, privileges, and immunities secured to said Robert Hall by the constitution and laws of the United States; unlawfully conspired with others to subject said Robert Hall to the deprivation of said rights, privileges and immunities—and the defendant having been now asked whether he has anything to say why judgment should not be pronounced against him, and no sufficient cause to the contrary being shown or appearing to the Court, It Is By The Court .

Ordered and Adjudged that the defendant, having been found guilty of said offenses, is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for the period of



One (1) Year and fine of One Thousand (\$1,000.00) Dollars on Count Two; Two (2) Years on Count Three; service of said sentences of One and Two Years to run consecutively—or until said defendant is otherwise discharged as provided by law.

Note: Plea of not guilty entered on October 4, 1943; verdict of guilty on Counts Two and Three returned on October 7, 1943; sentence pronounced on October 7, 1943.

It is Further Ordered that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the same shall serve as the commitment herein.

At Albany, Georgia, this October 7, 1943.

(Signed) BASCOM S. DEEVER,  
United States District Judge.

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### JUDGMENT AND COMMITMENT.

District Court of the United States, Middle-Georgia District, Albany Division.

United States

vs.

Frank Edward Jones.

No. 1300 Criminal Indictment in Three Counts for Violation of U. S. C. Title 18, Secs. 51 and 52.

On this 4th day of October, 1943, came the United States Attorney, and the defendant, Frank Edward Jones appearing in proper person, and by counsel, and,

The defendant having been convicted on verdict of guilty of the offense charged in the Indictment in the above-entitled cause, to-wit, Counts Two and Three—Wilfully, unlawfully and wrongfully, under color of the laws, statutes, ordinances and regulations of the State of Georgia, County of Baker, and municipality of Newton, subjected one Robert Hall, a negro citizen of the State of Georgia and of the United States, to the deprivation of rights, privileges, and immunities secured to said Robert Hall by the constitution and laws of the United States; unlawfully conspired with others to subject said Robert Hall to the deprivation of said rights, privileges and immunities—and the defendant having been now asked whether he has anything to say why judgment should not be pronounced against him, and no sufficient cause to the contrary being shown or appearing to the Court, It Is By The Court

Ordered and Adjudged that the defendant, having been found guilty of said offenses, is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for the period of

One (1) Year and fine of One Thousand (\$1,000.00) Dollars on Count Two; Two (2) Years on Count Three; service of said sentences of One and Two Years to run consecutively—or until said defendant is otherwise discharged as provided by law.

Note: Plea of not guilty entered on October 4, 1943; verdict of guilty on Counts Two and Three returned on October 7, 1943; sentence pronounced on October 7, 1943.

It is Further Ordered that the Clerk deliver a certified copy of this judgment and commitment to the United

States Marshal or other qualified officer and that the same shall serve as the commitment herein.

At Albany, Georgia, this October 7, 1943.

(Signed) BASCOM S. DEEVER,  
United States District Judge.

---

### JUDGMENT AND COMMITMENT.

District Court of the United States, Middle-Georgia District, Albany Division.

United States  
vs.  
Jim Bob Kelley.

No. 1300 Criminal Indictment in Three Counts for Violation of U. S. C. Title 18, Secs. 51 and 52.

On this 4th day of October, 1943, came the United States Attorney, and the defendant, Jim Bob Kelley appearing in proper person, and by counsel, and,

The defendant having been convicted on verdict of guilty of the offense charged in the Indictment in the above-entitled cause, to-wit, Counts Two and Three—unlawfully, knowingly and wilfully aided and abetted others in subjecting one Robert Hall, a negro citizen of the State of Georgia and of the United States, to the deprivation of rights, privileges, and immunities secured to said Robert Hall by the constitution and laws of the United States while acting under color of the laws, statutes, ordinances and regulations of the State of Georgia, County of Baker and municipality of Newton; unlawfully conspired with others to subject said Robert Hall to the de-



privation of said privileges and immunities—and the defendant having been now asked whether he has anything to say why judgment should not be pronounced against him, and no sufficient cause to the contrary being shown or appearing to the Court, It Is By The Court

Ordered and Adjudged that the defendant, having been found guilty of said offenses, is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for the period of

One (1) Year and fine of One Thousand (\$1,000.00) Dollars on Count Two; Two (2) Years on Count Three; service of said sentences of One and Two Years to run consecutively—or until said defendant is otherwise discharged as provided by law.

Note: Plea of not guilty entered on October 4, 1943; verdict of guilty on Counts Two and Three returned on October 7, 1943; sentence pronounced on October 7, 1943.

It is Further Ordered that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the same shall serve as the commitment herein.

At Albany, Georgia, this October 7, 1943.

(Signed) BASCOM S. DEEVER,  
United States District Judge.

Now come the defendants, M. Claud Screws, Frank Edward Jones and Jim Bob Kelley, and before issue is joined



in the above stated case and before being put in jeopardy, and demur jointly and severally to the indictment in this cause and move to quash same, upon the following grounds, to-wit:

## 1.

Because the matters and things set forth and charged in the several counts, 1 to 3 inclusive, do not constitute offenses against the laws of the United States and do not come within the purview, true intent, and meaning of any statute or of any law of the United States.

## 2.

Because the matters and things in said indictment, set forth and charged, do not constitute offenses cognizable in the United States District Court and do not come within the jurisdiction of said Court or of any Court of the United States.

## 3.

Because this Court has no jurisdiction over the alleged crimes charged in said indictment.

## 4.

Because no crime against the laws of the United States nor any offense against the United States nor any offense against the laws of the United States is charged in said indictment against these defendants or either of them.

## 5.

Because the indictment does not show facts sufficient to being the same within the provisions of any statute or of

any law of the United States nor within the provisions of any offense against the United States.

## 6.

Because the indictment as a whole alleges no facts nor acts which would constitute a violation of the statutes of the United States nor any offense against the laws thereof.

## 7.

Because said indictment and each count thereof are too vague, general, insufficient and uncertain to afford the accused proper notice to plead and prepare their defenses and are too vague, general, insufficient and uncertain to set forth any specific offense or offenses under the laws of the United States.

## Count 1.

## 1.

Because the matters and things set forth and charged in count 1 of said indictment do not constitute an offense against the laws of the United States and do not come within the purview, true intent and meaning of the Act of Congress approved March 4, 1909 (18 U. S. C. A. 51).

## 2.

Because the matters and things set forth and charged in count 1 of said indictment are judicially cognizable by the State Courts of Georgia and not by the United States District Courts or by any other Court of the United States.

3.

Because the matters and things set forth and charged in count 1 of said indictment do not constitute an offense cognizable in the United States District Court and do not come within the jurisdiction of said Court not of any other Court in the United States.

4.

Because said count of said indictment does not show nor specify any right, privilege or immunity secured or protected by the Constitution or by the laws of the United States but refers solely to rights, privileges and immunities within the power of the States and reserved to the States.

5.

Because said count of said indictment specifies no violation of any right or of any privilege or of any immunity secured or protected by the Constitution or by the laws of the United States but refers only to specific rights, privileges and immunities protected by the Constitution and laws of the State of Georgia and reserved by the United States Constitution to the sole jurisdiction of said state.

6.

Because said count in said indictment does not show facts sufficient to advise the defendants of the specific charges which said defendants must defend against.

7.

Because said count 1 does not set forth specifically and with particularity what rights, what privileges or what immunities it is claimed were secured to the said Robert Hall as a citizen of the United States by the Constitution and laws of the United States and which it is claimed have been violated by the defendants.

8.

Because the gist of the alleged conspiracy is not charged with precision and certainty and the ingredients of said alleged conspiracy are not clearly stated nor charged.

9.

Because this Court has no jurisdiction of the alleged crime charged in said count.

#### Count 2.

1.

Because the matters and things set forth and charged in count 2 of said indictment do not constitute an offense against the laws of the United States and do not come within the purview, true intent and meaning of the Act of Congress approved March 4, 1909 (18 U. S. C. A. 52).

2.

Because the matters and things set forth and charged in count 2 of said indictment are judicially cognizable by the State Courts of Georgia and not by the United States District Courts or by any other Court of the United States.



3.

Because the matters and things set forth and charged in count 2 of said indictment do not constitute an offense cognizable in the United States District Court and do not come within the jurisdiction of said Court nor of any other Court in the United States.

4.

Because said count of said indictment does not show nor specify any right, privilege or immunity secured or protected by the Constitution or by the laws of the United States but refers solely to rights, privileges and immunities within the power of the States and reserved to the States.

5.

Because said count of said indictment specifies no violation of any right or of any privilege or of any immunity secured or protected by the Constitution or by the laws of the United States but refers only to specific rights, privileges and immunities protected by the Constitution and laws of the State of Georgia and reserved by the United States Constitution to the sole jurisdiction of said State.

6.

Because said count of said indictment does not show facts sufficient to advise the defendants of the specific charges which said defendants must defend against.

7.

Because said count 2 does not set forth specifically and with particularity what rights, what privileges or what

immunities it is claimed were secured to the said Robert Hall as a citizen of the United States by the Constitution and laws of the United States and which it is claimed have been violated by the defendants.

## 8.

Because it is not alleged specifically and with particularity in said count 2, under what law, under what statute, under what ordinance or under what regulations the defendants are claimed to have acted in committing the alleged offense.

## 9. °

Because this Court has no jurisdiction of the alleged crime charged in said count.

## Count 3.

## 1.

Because the matters and things set forth and charged in count 3 of said indictment do not constitute an offense against the laws of the United States and do not come within the purview, true intent and meaning of the Act of Congress approved March 4, 1909 (18 U. S. C. A. 52).

## 2.

Because the matters and things<sup>°</sup> set forth and charged in count 3 of said indictment are judicially cognizable by the State Courts of Georgia and not by the United States District Courts or by any other Court of the United States.

## 3.

Because the matters and things set forth and charged in count 3 of said indictment do not constitute an offense cognizable in the United States District Court and do not come within the jurisdiction of said Court nor of any other Court in the United States.

## 4.

Because said count of said indictment does not specify any right, privilege or immunity secured or protected by the Constitution or by the laws of the United States but refers solely to rights, privileges and immunities within the power of the States and reserved to the States.

## 5.

Because said count of said indictment specifies no violation of any right or of any privilege or of any immunity secured or protected by the Constitution or by the laws of the United States but refers only to specific rights, privileges and immunities protected by the constitution and laws of the State of Georgia and reserved by the United States Constitution to the sole jurisdiction of said State.

## 6.

Because no crime against the laws of the United States nor any offense against the United States nor any offense against the laws of the United States is charged in said count of said indictment against these defendants or either of them.

7.

Because said count in said indictment does not allege facts sufficient to advise the defendants of the specific charges which said defendants must defend against.

8.

Because said count 3 does not set forth specifically and with particularity what rights, what privileges or what immunities it is claimed were secured to the said Robert Hall as a citizen of the United States by the Constitution and by the laws of the United States and which it is claimed have been violated by the defendants.

9.

Because the gist of the alleged conspiracy is not charged with precision and certainty and the ingredients of said alleged conspiracy are not clearly stated nor charged.

10.

Because said count of said indictment does not show facts sufficient to bring the same within the provision of any statute of the United States nor within the provision of any offense against the United States.

11.

Because said count of said indictment in alleging a conspiracy to violate Sec. 52 of Title 18, U. S. C. A. does not allege nor specify any violation of the Constitution or of the laws of the United States and does not state any offense against such laws.



Because this Court has no jurisdiction of the alleged crime charged in said count.

Wherefore, defendants pray that this their demurrers be sustained and that said indictment and each count thereof be quashed.

CLINT W. HAGER,  
J. F. KEMP,  
R. B. SHORT,  
Attorneys for Defendants.

Filed at 4:00 P. M. July 12, 1943.

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ORDER SUSTAINING DEMURRER TO COUNT I AND  
OVERRULING IT AS TO COUNTS II AND III.

The motion to dismiss the indictment was argued by counsel for both sides orally and by brief. The motion is hereby sustained as to Count 1 and said Count is hereby dismissed and quashed. The motion is overruled as to Counts 2 and 3.

This August 30, 1943.

BASCOM S. DEEVER,  
Judge.

Filed at 2:30 P. M. Aug. 30, 1943.

## NOTICE OF APPEAL AND GROUNDS OF APPEAL.

In the District Court of the United States for the Middle  
District of Georgia, Albany Division.

United States of America,  
vs. Crim. No. 1300.  
M. Claud Screws, Frank Edward Jones and Jim Bob Kelley.

### Name and Address of Appellants:

M. Claud Screws, Frank Edward Jones and Jim Bob  
Kelley, all of Newton, Georgia.

### Names and Addresses of Appellants' Attorneys:

Robert B. Short, Newton, Georgia, J. F. Kemp and Clint  
W. Hager, 505 Connally Building, Atlanta, Georgia.

### Offense:

Appellants were indicted at the October Term, 1942, by  
a United States Grand Jury at Macon, Georgia, and  
charged in the first count of violating Title 18, Section  
51 U. S. C. A. which is for an alleged violation of the so-  
called Civil Liberties Act. The second count was brought  
under the provisions of Title 18, Section 52 which is for an  
alleged violation of the so-called Civil Liberties Act. The  
third count of the indictment was for a conspiracy to  
violate the so-called Civil Liberties Act. Upon demurrer  
the Court struck count 1 and defendants went to trial  
upon counts 2 and 3.

### Date of Judgment:

Appellants went to trial on October 4, 1943, and a ver-  
dict was returned on October 7, 1943, finding appellants  
guilty on counts 2 and 3 of the indictment and thereupon  
and on said date of October 7, 1943, the Court pronounced  
judgment.

Brief Description of Judgment or Sentence:

The Court imposed sentence of a year upon each of the appellants on count 2 of the indictment and a fine of \$1000.00 as to each of said defendants; upon the third count of said indictment the Court imposed a sentence of two years upon each of said defendants to run consecutively with the sentence imposed upon count 2.

Name of Prison where now Confined, if not on Bail:

Counsel for appellants notified the Court orally that an appeal would be taken within the time prescribed by law from the judgment and sentences imposed and requested that the Court permit appellants to be enlarged upon bail pending appeal. The Court refused to permit appellants or either of them to be enlarged upon bail and instructed the United States Marshal to convey them to the county jail of Mitchell County at Camilla, Georgia, where they are now confined.

We, the above named appellants hereby appeal to the United States Circuit Court of Appeals for the Fifth Judicial Circuit from the judgments above mentioned on the grounds set forth below and hereinafter.

M. CLAUD SCREWS,  
FRANK EDWARD JONES,  
JIM BOB KELLEY,  
Appellants.

• Dated October 8, 1943.

Grounds of Appeal.

The grounds of appeal upon which appellants rely for a reversal of the judgment entered against them as set out in the notice of appeal are as follows:

1.

That the Court erred in refusing to sustain the demurrers filed by appellants to counts 2 and 3 of the indictment upon each every ground set forth in said demurrer.

2.

That the Court erred in overruling appellants demurrer to counts 2 and 3 of said indictment.

3.

That the Court erred in overruling the motion made by appellants for a directed verdict upon both counts of said indictment at the conclusion of all the evidence introduced by the Government and at the time it rested its case.

4.

That the Court erred in overruling the motion made by appellants for a directed verdict at the conclusion of all the evidence introduced by both the Government and appellants.

5.

That the Court erred in refusing to direct a verdict on behalf of appellants at the conclusion of all the evidence upon the ground that there was a fatal variance between the allegations of the indictment and the proof introduced in the case.

6.

That the Court erred upon its ruling in the admission and exclusion of evidence as will more fully appear in



the assignment of errors which will be prepared when attorneys for appellants can secure a transcript of the written record.

I, Clint W. Hager, certify that I am attorney of record for appellants and that I have this day served Hon. T. Hoyt Davis, United States Attorney for the Middle District of Georgia with a copy of the foregoing notice of appeal and grounds therefor by mailing a copy of the same to him to his official office and place of business in the United States Post Office Building at Macon, Georgia.

This the 8th day of October, 1943.

CLINT W. HAGER,  
Attorney of Record for Ap-  
pellants.

Filed October 9, 1943.

Know All Men By These Presents, that we, M. C. Screws as principal, and R. L. Hall, as sureties, are held and firmly bound unto United States of America in the full and just sum of Two Hundred Fifty (\$250.00) Dollars to be paid to the said Obligee to which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents. Sealed with our seals and dated this . . . . day of October, in the year of our Lord One Thousand Nine Hundred and Forty Three.

Whereas, lately at a term of the United States District Court for the Middle District of Georgia, in the Albany

Division in a suit depending in said Court, between United States of America and M. C. Screws a judgment was rendered against the said M. C. Screws and the said M. C. Screws having given notice of appeal and filed a copy thereof in the Clerk's office of the said Court to reverse the judgment in the aforesaid suit, and a copy of the said Notice of Appeal having been served upon the United States Attorney citing and admonishing him to be and appear before the United States Court of Appeals for the Fifth Circuit, to be holden at New Orleans, Louisiana, within 30 days from the date thereof.

Now, the Condition of the Above Obligation is such, that if the said M. C. Screws shall prosecute his appeal to effect, and answer all damages and costs if he fail to make his plea good, then the above obligation to be void; else to remain in full force and virtue.

M. C. SCREWS,	(Seal)
R. L. HALL.	(Seal)

Sealed, and delivered in presence of—

JOHN, M. MAPLES,  
ROBERT CULPEPPER, JR.,  
U. S. Commissioner.

(U. S. Commissioner's Impression Seal Attached.)

Approved by—

.....

United States of America,  
Middle District of Georgia.

R. L. Hall, security on the within bond being duly sworn, deposes and says that he is worth the sum of \$25,000.00 over and above his just debts and liabilities and exemptions under the homestead and exemption laws of the State of Georgia.

R. L. HALL.

Sworn to and subscribed before me this 9th day of Oct., 1943.

DAVID C. CAMPBELL, JR.,  
Dep. Clk., U. S. Dist. Court.

(On Back of Bond.)

No. 1300—United States of America, vs.: Bond M. Claud Screws, Filed at 4:45 P. M. Oct. 9, 1943.

DAVID C. CAMPBELL, JR.,  
Dep. Clerk, U. S. District  
Court.

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BOND.

Know All Men By These Presents, that we, Frank Edward Jones, as principal, and R. L. Hall, as sureties, are held and firmly bound unto United States of America in the full and just sum of Two Hundred Fifty (\$250.00) Dollars to be paid to the said Obligee to which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents. Sealed with our seals and dated this . . . . day of October, in the year of our Lord one thousand nine hundred and forty three.

Whereas, lately at a term of the United States District Court for the Middle District of Georgia, in the Albany Division in a suit depending in said Court, between United States of America and Frank Edward Jones a judgment was rendered against the said Frank Edward Jones and the said Frank Edward Jones having given notice of appeal and filed a copy thereof in the Clerk's Office of the said Court to reverse the judgment in the aforesaid suit, and a copy of the said Notice of Appeal having been served

upon the United States Attorney citing and admonishing him to be and appear before the United States Court of Appeals for the Fifth Circuit, to be holden at New Orleans, Louisiana, within 30 days from the date thereof.

Now, the Condition of the above Obligation is such, that if the said Frank Edward Jones shall prosecute his appeal to effect, and answer all damages and costs if he fail to make his plea good, then the above obligation to be void; else to remain in full force and virtue.

FRANK EDWARD JONES, (Seal)  
R. L. HALL. (Seal)

Sealed and delivered in presence of—  
JOHN M. MAPLES,  
ROBERT CULPEPPER, JR.,  
U. S. Commissioner.  
(Comrs. Imprsn. Seal Attached.)

Approved by—

.....

United States of America,  
Middle District of Georgia.

R. L. Hall, security on the within bond, being duly sworn, deposes and says that he is worth the sum of \$25,000.00 over and above his just debts and liabilities and exemptions under the homestead and exemption laws of the State of Georgia.

R. L. HALL.

Sworn to and subscribed before me this 9th day of Oct., 1943.

DAVID C. CAMPBELL, JR.,  
Dep. Clk. U. S. Dist. Court.



(On Back of Bond.)

No. 1300. United States of America, vs. Bond, Frank Edward Jones—Filed at 4:45 P. M. Oct. 9, 1943.

DAVID C. CAMPBELL, JR.,  
Dep. Clerk, U. S. District Court.

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## BOND.

Know All Men By These Presents, that we, Jim Bob Kelley, as principal, and R. L. Hall, as sureties, are held and firmly bound unto United States of America in the full and just sum of Two Hundred Fifty (\$250.00) Dollars, to be paid to the said Obligee, to which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents. Sealed with our seals and dated this .... day of October, in the year of our Lord one thousand nine hundred and forty Three.

Whereas, lately at a term of the United States District Court for the Middle District of Georgia, in the Albany Division in a suit depending in said Court, between United States of America and Jim Bob Kelley a judgment was rendered against the said Jim Bob Kelley and the said Jim Bob Kelley having given notice of appeal and filed a copy thereof in the Clerk's Office of the said Court to reverse the judgment in the aforesaid suit, and a copy of the said Notice of Appeal having been served upon the United States Attorney citing and admonishing him to be and appear before the United States Court of Appeals for the Fifth Circuit, to be holden at New Orleans, Louisiana, within 30 days from the date thereof.

Now, the Condition of the above Obligation is such, that if the said Jim Bob Kelley shall prosecute his appeal to

effect, and answer all damages and costs if he fail to make his plea good, then the above obligation to be void; else to remain in full force and virtue.

JIM BOB KELLEY, (Seal)  
R. L. HALL. (Seal)

Sealed and delivered in presence of—

JOHN M. MAPLES,  
ROBERT CULPEPPER, JR.,  
U. S. Commissioner.

(U. S. Commissioner's Impression Seal attached.)

Approved by:

.....

United States of America,  
Middle District of Georgia.

R. L. Hall, security on the within bond, being duly sworn, deposes and says that he is worth the sum of \$25,000.00 over and above his just debts and liabilities and exemptions under the homestead and exemption laws of the State of Georgia.

R. L. HALL.

Sworn to and subscribed before me this 9th day of Oct., 1943.

DAVID C. CAMPBELL, JR.,  
Dep. Clk. U. S. Dist. Court.

(On Back of Bond.)

No. 1300. United States of America, vs. Bond, Jim Bob Kelley. Filed at 4:45 P. M. Oct. 9, 1943.

DAVID C. CAMPBELL, JR.,  
Dep. Clerk U. S. District Court.

## BILL OF EXCEPTIONS.

(Title Omitted.)

Be It Remembered, that on the 13th day of August, 1943, at the April Term, 1943, of said Court, before Honorable Bascom S. Deaver, United States Judge, the demurrers of the defendants to the indictment came on for hearing.

At said time and place and before said Judge, the following proceedings were had as hereinafter set forth:

Hearing before Honorable Bascom S. Deaver, United States Judge, without a jury, on August 13, 1943.

## Appearances.

For the Prosecution:

Honorable T. Hoyt Davis, United States Attorney, and  
Honorable G. Maynard Smith, Special Assistant to the  
Attorney General of the United States.

For the Defendants:

Mr. Clint W. Hager and Mr. J. F. Kemp, 505 Connally  
Building, Atlanta, Georgia,  
Mr. Robert B. Short, Newton, Georgia.

## DEFENDANTS' DEMURRERS TO INDICTMENT.

After hearing argument of counsel and citation of authorities, the Court took said matter under consideration and on the 30th day of August, 1943, the Court sustained defendants' demurrers to count 1 of the indictment and dismissed said count, and at the same time the Court entered an order overruling defendants' demurrers to Counts II and III of the indictment and refused to quash said

counts II and III of said indictment. The defendants through their attorneys reserved an exception to said ruling which exception was duly noted and allowed by the Court.

Be It Further Remembered, that on the 4th day of October, 1943, at the October Term, 1943, of said Court, before Honorable Bascom S. Deaver, United States Judge, and a jury, the above stated case came on for trial. Defendants M. Claud Screws, Frank Edward Jones and Jim Bob Kelley were present and were on trial at said time and place, and before said Judge the following proceeding were had as hereinafter set forth:

Trial before Honorable Bascom S. Deaver, United States Judge, and a jury, on October 4, 1943.

#### Appearances.

For the Prosecution:

Honorable T. Hoyt Davis, United States Attorney, and  
Honorable G. Maynard Smith, Special Assistant to the  
Attorney General of the United States.

For the Defendants:

Mr. Clint W. Hager and Mr. J. F. Kemp, 505 Connally  
Building, Atlanta, Georgia,  
Mr. Robert B. Short, Newton, Georgia.

At said trial the following witnesses were sworn and testified as hereinafter set forth:

39 WILL HALL (Col.), first witness sworn in behalf of the Government, testified on

#### Direct Examination.

My name is Will Hall. I am the father of Robert Hall, who was also called Bobby. I live out there about a mile



and a half below Newton, just a mile and a half below Newton, in Baker County. I was born and raised in that county. I have been living there just about six years. I have been living in Baker County all my life. I farm. I own my farm.

My son Bobby Hall or Robert was about 30 or 31 years old. I know Mr. M. Claud Screws and I know what office he holds in Baker County.

### Stipulation.

Mr. Davis:

If Your Honor please, I would like to state that counsel agree and stipulate at this time that the defendant, M. Claud Screws, was at the time in question here and since and some years prior thereto, was and is the Sheriff of Baker County, Georgia; and that the defendant, Frank Edward Jones, was at the time in question here employed as a city policeman or night watchman by the Town of Newton.

### (Direct Examination continued.)

I have been knowing Mr. Claud Screws ever since we were boys like.

Along in December I had occasion to go to see Sheriff Screws about a pistol. It was something like about the last day of December.

Q. Well, just relate to the jury why you went and what was the object of it and what the Sheriff said, if anything?

A. My boy come to me—

Q. Now, when you say "my boy", suppose you name him?

A. Yes, sir, Bobby Hall, he come to me in the house where I was one morning, where I was setting at the breakfast table, and was telling me that Mr. Frank Jones— And he said that "Mr. Frank Jones took my pistol last night, papa", said Mr. Claud told him to take my pistol" and he said "I wouldn't care if you axed him to give it back to me, please sir", said "I didn't carry it for no meanness at all but he said I be out mechanicing at night"—

My boy asked me to see the Sheriff and see if I could get the pistol back and I went to see Mr. Screws, and I ax'ed him would he mind giving him back the pistol, that he wouldn't do any harm with it and would he mind giving it back to me. He told me he would see me about it a day or two later and tell me. This was the next morning after the pistol had been taken from him. That was all that was said at that time between me and the Sheriff.

I went back to see the sheriff again about it, about three or four days later. On that occasion he told me to see the Judge and if the Judge would give me a trip back to him, he would give it to me. I did not go back to him any further. I let it alone. I did not get the pistol. I know what kind of pistol it was. It was an automatic blue steel with pearl handle.

So, after my two visits to the Sheriff in an effort to get the pistol, I abandoned the idea and let it alone. There was no case made against Bobby that I knows of for having the pistol. I didn't hear of any. He carried the pistol in that little drawer on the dash.

I recall the night that my boy was killed, the night of January 29, 1943. On that night I was home. I went off the first part of the night and didn't get back until late. I got back about eleven o'clock and I sot up there by the fire a few minutes and I went to bed and I heard

a car. I said I heard a car come up there to his house, to Bobby's house. Bobby lived about 100 yards from me. Bobby was married. I just see'd the lights of the car coming in through my glass windows. The car stopped up at his house. I stayed there just about ten minutes. It came back by my house, come back out and hit the road.

After the car left Bobby's wife, Annie Pearl, came to my house. The next morning Annie Pearl and I went to Newton to give bond for Bobby, just before sun-up. We went downtown there and went around to the jail. I didn't see nothing of the Sheriff there. I saw somebory in jail. I remember who I saw there. I saw Mr. Edgar Bailey and his wife and Mr. Hoke Edwards and his wife. My boy was not in jail. I found out where my boy was and we come to Albany.

Before leaving Newton there I went around the public square, about the well and around town. That was after I had talked to some people in Newton, after I had talked to the people in jail that I named—no, it was before I had talked to them, beforehand. I just see'd a puddle of blood there on the square and one of my boy's shoes. I saw some other scraps of clothing, see'd what looked like might have been a piece off of his undershirt. Looked like it was in two halves. The piece of undershirt was laying off in that direction from the blood and the shoe was just inside of the gate from the blood, one shoe. The pool of blood was a little bigger around than that table. I saw evidence on the ground and grass there where it had been disturbed. I could see a lot of tracks around there. I went up toward the Court-house, went up the walk. On the walk going toward the Court-house I seen a little stream of blood from there clean on through to the jail. That extended all the way from the well. The stream of blood started from that puddle of blood and went straight on to the jail and went through the Court-house. There were



no other indications of a struggle there no more than the blood and the tracks.

I was in Newton, I reckon, about three-quarters of an hour and then I went back home. I was advised in Newton what had happened to my boy. I was told that the boy was in Albany in the hospital. I talked to Mr. George C. Durham a little and Mr. John and Mr. Joe White. I talked to Mr. George Durham because I wanted to know if he had sworn out a warrant for Bobby Hall. Mr. George Durham is a fellow that stayed there in Newton. I was trying to find out what had he committed and the reason he was arrested.

Bobby's wife was with me all the while up there in Newton. When we left Newton, we went back home and she went back with me. Then I come to Albany. When I got to Albany I went to the undertaker, Walter Poteat. I found my boy there. He was dead. It was about nine o'clock in the morning when I got there. The undertaker had not embalmed him when I got there. He had not washed him. He looked like he was bloodied up pretty bad in the head and on his body. His body from the pants up looked like he was raw-like. I stayed there until about 12:00 or 1:00 o'clock. Bobby had on his pants. I don't know whether he had them on or whether they were just laying over him. Bobby's wife was along all the while.

Mr. George Durham, I think, farms around there and Mr. John C. runs a store, runs a market.

#### Cross Examination.

I lived down in Miller County about ten years. I was born and raised in Baker County. I did move to Miller County.

I had a conversation with both Mr. George Durham and Mr. John C. Durham, the man that runs the market there, that same morning.



## Re-Direct Examination.

I talked to Mr. George C. first. I met Mr. John C. last and I talked to him because I thought maybe Bobby's wife might have made a mistake in the Durhams.

43 MR. E. M. ELLIS, JR., 2nd witness sworn in  
behalf of Government, testified on

## Direct Examination.

My name is E. M. Ellis, Jr. I live in Newton. I do not do anything. I am disabled. I have lived right in Newton about four years.

I was a member of the Baker County grand-jury in January of this year, of Baker Superior Court. I know Bobby Hall or Robert Hall. He appeared before the grand-jury there. His complaint was that he had lost a pistol and he came before the grand-jury to see if they could do anything about it or get it for him. He said Frank Jones had taken the pistol from him. He was undertaking to enlist the aid of the grand-jury in recovering his pistol. I think the grand-jury was advised as to who had the pistol. Bobby Hall advised them as to who had it. He said that he understood that Frank, I mean that Mr. Claud Screws had it. The grand-jury listened to him but there was no relief we could give him. The sheriff came before the grand-jury on the same matter after the grand-jury called him. The Sheriff said that he was going to keep the pistol until the Judge ordered him to turn it over and if there were any more that had any, he was going to take them. I do not know just the exact words the sheriff used but he said if the grand-jury thought they could do anything about it to stop him, to go ahead and do it. The Sheriff cursed, he said if any of these damn negroes think

they can carry pistols, I am going to take them, that they don't carry them to shoot birds with, or something like that. I do not remember anything else that he said. That was about the substance of what he stated to the grand-jury that I served on.

(No cross examination.)

44 MR. MASTON O'NEAL, 3rd witness sworn in  
behalf of Government, testified on

Direct Examination.

My name is Maston O'Neal. I am Solicitor-General of the Albany Circuit. Baker County is in that circuit.

I attended a session of the grand-jury in Baker County in January of this year. I did not know him but Bobby Hall came before the grand-jury. I never had seen him before. He did appear before the grand-jury. I did not send for him.

As I came back into the grand-jury after the noon hour one day he was already in the room. He asked the grand-jury to require the sheriff to return his pistol. He said that it had been taken away from him by some officer. I am not sure just who he said. My recollection is he said Eddie Frank Jones. And he said that the pistol had been turned over to Sheriff Screws and that Sheriff Screws at that time had it, and he wanted the grand-jury to return it, I mean to require the sheriff to return it. Of course, the negro was questioned further about it while he was still in the room and it appeared from what he said that the pistol had been in a truck, as I recall it in a pocket or glove compartment or somewhere. And so when the negro left the room I was asked whether or not he had committed a crime and I told them that as I recalled the Georgia law

that the Supreme Court had held that unless the pistol was in his manual possession, that is with respect to his hand or available about his person, that he would not commit the offense of carrying a pistol without license or carrying it concealed; that the Court had held, for example, where the pistol was in some part of a buggy or wagon or automobile that it did not constitute carrying a pistol without a license or carrying it concealed.

If there ever were any charges filed against this negro, Bobby Hall, by the Sheriff or Frank Jones, I was not aware of it.

There has been no complaint filed with me in connection with the death of Bobby Hall against Sheriff Screws, Jones and Kelley. As to whom I depend for investigation of matters that come into my Court, I am an attorney, I am not a detective and I depend on evidence that is available after I come to Court or get into the case, get into a case that is made. The sheriffs and other peace officers of the community generally get the evidence and I act as the attorney for the state. I rely on my sheriffs and policemen and peace officers and private citizens also who prosecute each other to investigate the charges that are lodged in Court. Of course, I do some too after the case is made, if I can.

The grand-jury in Baker County I referred to convened on the third Monday in January and, if my recollection is correct, it was about Wednesday, which was the last day of the session so far as the grand-jury was concerned, when Bobby Hall appeared before them. I can refer to a calendar and tell you the date, the day of the month. After referring to a calendar, if I were going to guess, I would say the 20th of January.

(No cross examination.)



46 MR. ROBT. L. CULPEPPER, 4th witness sworn  
in behalf of Government, testified on

Direct Examination.

My name is Robert Culpepper. I am an attorney at law and United States Commissioner also at Camilla, which is my home. I was born and raised there. I practice in that county, Mitchell County, and others.

I knew Robert Hall or Bobby Hall casually. I have seen him once or twice or maybe three times. He called on me along in January. I think he came to my office a little earlier, maybe in December or it might have been the early part of January. He said that either the sheriff or the night watchman over there had his pistol and he wanted me to help him get it. He said something about he thought he could get it if Judge Crowe would give him an order. The first time he came, I do not recall the date but it was several weeks before he came the last time. I believe he asked me if I would see Judge Crowe about the matter, and I either forgot it or for some reason didn't see Judge Crowe. I had forgotten about it when he came the second time, and I go to Newton frequently and I sat down while he was there and dictated a letter to Sheriff Screws about the matter. I have a duplicate copy of that letter that my stenographer made at the time. This letter is dated January 28th. I think it was in the afternoon I wrote it but I do not know. It is ten miles from Camilla over to Newton. I do not know what the mail schedule is over there. I think they have a Star Route that goes over there every afternoon and perhaps comes to Camilla and goes back in the morning. I am pretty sure that is correct. I suppose I mailed the letter the same day I wrote it or rather the lady in my office did. The date of the letter is January 28, 1943.



Q. All right, read it Mr. Culpepper?

A. (Witness reading letter dated January 28, 1943, addressed to Mr. Claud Screws, Newton, Georgia, identified and attached hereto as GOVERNMENT'S EXHIBIT No. 1.)

(Witness): That is dated the 28th. I do not know what day the 28th of January was on. I am inclined to think it was Thursday and I went over to Newton on Saturday afternoon, after lunch. I went in the Court-house at the front gate. I saw some blood on the steps of the Court-house. I passed right by the well. I usually park there somewhere. I did not see the sheriff. This was after the death of Bobby Hall as I heard in Newton at that time that he was dead.

Adjourned for Lunch—12:52 P. M. to 2:05 P. M. (October 4, 1943).

48            MRS. MAMIE WHITE, 5th witness sworn in  
              behalf of the Government, testified on

Direct Examination.

My name is Mrs. Mamie White. I live about two miles out of Newton. My husband and I have a business in Newton, filling station and drink stand. We do not sell any meals there now. We were running this filling station and drink stand on the 29th of January of this year and selling food at that time.

I knew a negro in that community named Bobby Hall and knew what he did. He was a mechanic over at Butler's service station in the garage there, across the street. Our place is on one side of the highway and his place is on the other side of the highway. I wouldn't

say as I do not know exactly how long he had been running that garage or repair shop.

I remember the night that Bobby Hall was killed, the 29th of January of this year. I was at our place of business that afternoon and evening or rather it was in the evening. I was not there in the afternoon. I saw Bobby Hall around there. He came over to fix the light on a car of my daughter-in-law's at our place. This was after dark, I would say about 7:30 or 8:00. I do not know exactly the time but it was after dark. He came from Mr. Butler's place over there. After he had closed his station he drove his car over there. He fixed the light on my daughter-in-law's car.

I know Sheriff Claud Screws, the defendant Jones here and the defendant Kelley. I saw Sheriff Screws the night of January 29th. I do not know exactly what time it was when the negro was working on the car. It was right after the negro quit working on the car. It was right after. I won't say exactly what time. I would judge about 7:30 or 8:00. I do not know whether this was just about the time that the time changed in Georgia or not. It was after dark is all I know but I wouldn't say what time it was.

I first saw Sheriff Screws parked across the street over by Mr. Butler's station right down underneath the station across from our place, parked in his car, sitting in his car. Bobby Hall at that time was working on the lights of the car, of my daughter-in-law's car at our filling station up underneath the shed under the light there. The sheriff was alone. I would say he stayed there 20 or 30 minutes. He sat there the time the negro was working on the car.

When Bobby Hall left our place of business, after he had fixed my daughter-in-law's car, he got in his car and drove off. I do not know which way he went. He drove off in a Chevrolet coupe, I think. It looked like a Chevro-