

103 MRS. RUTH RHODES, 19th witness sworn in
behalf of the Government, testified on

Direct Examination.

I am Mrs. Ruth Rhodes. I live with my father and sisters north of the Courthouse in Newton. Mr. Ellis, Sr. is my father. I live there with him and I was living there in January of this year.

I remember the night Bobby Hall was killed or beaten up on the Courthouse square. I was aroused that night. I had gone to bed and gone to sleep. It was about 1:00 or 1:30 or probably 2:00 o'clock in the morning when I was first aroused. I was aroused when I heard a loud noise out on the street and a gun fired about 2:00 o'clock. It sounded like a lot of just loud talking and cursing and excitement on the street. Of course, I didn't pay much attention to it because it is just a usual thing in Newton for there to be excitement on the street. I would say it went on about an hour after I woke up. I do not know how long it had been going on before I woke up. I would say it was five or ten minutes after I woke up and listened to the noises before I heard a gun-shot. After that, they just stayed at the well for about 30 minutes, I imagine, after I heard them and then they came around to the jail and parked an old car right outside the front. You see, we live right next to the jail and they parked this old car, just parked it there with the motor running. I do not know whose car it was but I know it was an old model. It sounded like a Model "T" or something. I think Jim Bob Kelley has a car. The car he had at that time was some old car, I don't know the model. And then I got up when they came around to the jail, I got up out of the bed and went to the window and I saw Jim Bob Kelley and Frank Jones and I couldn't tell what it was, it was a bulk of something carried in the jail. I saw them go in the jail

and then come out and the car motor was still running and I recognized Mr. Screws out at the car and they were talking loud. He was. I would call it profanity that he was using. I didn't recognize any words but it was extremely loud.

The best I could see from my window Frank Jones had this bulk, I think, by the shoulder and Jim Bob Kelley by the feet maybe, just carrying him along. He was not walking at all. I did not hear the person that they were carrying make any sound at all. I heard them go in the jail.

I did not see Sheriff Screws at all. I did not see the Sheriff. I recognized his voice out at the car and on the front of the jail but I did not see him at all. I saw Jim Bob Kelley and Frank Jones very plain. I recognized them at once. I do not know how long they stayed in the jail after they carried him in there but probably about ten minutes.

After they carried this person to the jail, shortly after they carried him to the jail I didn't know at the time that it was an ambulance—I thought it was Mr. Screws' car—but something drove up and blew the siren just lightly, drove up to the jail and then Frank Jones and Jim Bob Kelley brought the negro out of the jail and put him in this ambulance or whatever it was—I didn't know what it was—and then they left.

I live in Newton now but I do not work in Newton. I work in Camilla for the GFA Peanut Association. I operate the PBX switchboard for the GFA Peanut Association. My sister also works there.

(No cross examination.)

105 MISS ALMA ELLIS, 20th witness sworn in behalf of the Government, testified on

o Direct Examination.

My name is Miss Alma Ellis. I live with my father at Newton there. I am sister of Mrs. Rhodes and the daughter of Mr. E. M. Ellis, Sr.

I was at home on the night of January 29th, the night that Bobby Hall was beaten up there on the Court-house square. I was aroused that night and the first thing I heard was an automobile, an old model car. I was awakened by that at first. I was awakened by an old model automobile and as soon as I raised up in bed to see where the car was, it sounded at a distance and I raised up and looked up but I still didn't see anything, but I heard voices. I couldn't tell where the voices were but they were back towards the Courthouse. I just lay back down and in a few minutes, or I don't know how long it was, this car came around the Courthouse. But before that I heard a gun fire. Repeating, I was awakened by an automobile, an old model car and when I raised up in bed I heard voices but I still could not see anything because when I looked out I did not see anything out of our window, and after I lay back down I heard a gun fire. I don't know, it probably was two or three or maybe 25 minutes later because I was about half asleep, I guess; but I heard the gun fire and after the gun fired I know it wasn't over ten or fifteen minutes before this old model car drove around in front of our house, passed our house to the jail and the motor kept running; and then we heard more voices and after the voices, I heard the jail door close twice; and then I relaxed and went back to bed; and in a few minutes I heard the voices again, and when I looked out the window that time I saw an automobile, I wouldn't say what kind of car it was but it was a new automobile.

Just the back end of it was all I could see and at that time I heard voices and that was Mr. Screws' voice, I am almost sure, because there were three voices that I could hear distinctly but the other two I did not recognize.

I could not recognize anything that Mr. Screws said, with the car motor running I could not understand anything that was said. I wouldn't say whether that was the ambulance or not because I could just see the back of it. Just before that I heard the siren blow out about the corner and I thought maybe they were bringing somebody into jail because I thought probably it was the sheriff's automobile. That's what I thought it was when I saw the back of the car but I wouldn't say that it was his car. I wouldn't say what it was because I could just see the back of it and I didn't get up far enough to tell.

(No Cross Examination.)

107 MISS ANNIE ELLIS, 21st witness sworn in behalf of the Government, testified on

Direct Examination.

My name is Miss Annie Ellis. I reside with my father and sisters in Newton. I was there in January of this year. I remember the night that Bobby Hall was beaten up there on the Court-house square, on January 29th of this year.

I was aroused that night. I do not recall just what aroused me but the first thing I heard was noise, groaning. At first, I thought it was dogs and I kept listening and I heard voices and I heard loud talking and heard an automobile motor running. At first, I just couldn't tell from what direction the noises were coming because I was in bed. I did not get up at that time. I listened for a while.

My bed is—we have two windows in our bedrooms practically as large as this one and I just raised up and pushed up one of my windows. Of course, things of that kind are not unusual because I had been disturbed three nights in succession with just such carrying on and I just didn't apparently think anything about it at first. I just thought it was a drunk as there had been drunks for two or three nights doing the same thing and it was just the usual thing around there, just the usual round that they usually make.

And I raised up in bed and pushed my window up and I kept hearing this noise and decided that it was somebody instead of anything else and then I decided—well it kind-of quieted off for a few minutes and then I heard a gun fire. I couldn't tell just exactly how long after I woke up it was before the gun fired. I imagine it was 30 or 40 minutes maybe. I had in mind who it was. I knew about who it was making all this noise. The noises continued after I heard the gun fire for some little bit. I got up and looked out but I didn't see anything, but I could still hear it and I knew it was on across town some distance from us, and I went back to bed and in a few minutes the noise came closer. Then, I heard somebody go in the jail and out because the jail was right next to our bedroom almost. I did not get up to see who it was going in and out of the jail at that time. In a few minutes I heard the automobile come back and I heard the siren and I thought well I reckon they are probably winding up and maybe taking off for the night. And I lay back down again and in a few minutes I heard the jail door and at that time there were two automobiles pulled off. Of course, since that time I have heard one was the ambulance but at that time I didn't know that it was an ambulance. I looked and saw two men come out of the jail. I know who they were. They were Frank Jones and Jim Bob Kelley. They came out of the jail and I heard others

talking and there must have been two people in the shadow of the light. I recognized the voice of one of them, that of Mr. Screws, the sheriff. I have known Mr. Screws for fifteen or twenty years. I could not tell what he was saying because the motor of the car was running and I couldn't understand.

(No Cross Examination.)

108 MRS. OLIVIA EDWARDS, 22nd witness sworn
by the Government, testified on

Direct Examination.

I am Mrs. Olivia Edwards. I am the wife of Hoke Edwards. On the night of the 29th of January of this year I happened to be at the jail in Newton, Georgia. I was not in jail as a prisoner. We were there because we thought our husbands was going to leave in a few days and we got permission to go in and stay with them that night. The Sheriff gave us permission to go in and stay with them, gave permission to me and Edgar Bailey's wife. We girls were spending the night in jail with our husbands who were prisoners and had been sentenced.

I did not see Sheriff Screws that night, did not see Frank Jones and did not see Jim Bob Kelley. Somebody came into the jail. Sheriff Screws and Frank Jones came in and I couldn't, I didn't know who the other one was but I heard since that it was Jim Bob Kelley. They all came to the jail that night. The Sheriff opened the door. I do not know whether the others were with him or not. I guess they were. That is what woke me up is when the sheriff opened the door.

My cot was placed on the left as you go in the jail right there at the door. The cots of Mrs. Burke and her hus-

band were in another portion of the jail further back. I was not awake when the Sheriff came there but I woke up when he came in. The sheriff said "Bring him on in." I do not know who he was talking to. He didn't say. When he said "bring him on in", they brought him on in. Frank and the other man brought him in, Jim Bob Kelley or whoever the other man was.

I do not know who it was they brought in. I guess it was a human being but I didn't even see him. I couldn't say whether it was a white man or a negro because I didn't even look. I didn't say I looked. My cot was right there where they passed by it. I do not know how they brought him in. I didn't look. I was laying down and I didn't even get up. I mean to say that I didn't even look at the man.

As to whether the man brought in was handcuffed or not, I heard them talking about it that he was, that he was handcuffed.

It was these three men that brought him in there that were talking about him being handcuffed. The sheriff was there. I didn't hear them say anything about taking the handcuffs off or leaving them on.

After Jones and the other man brought the man in there Sheriff Screws and the two other men went out. After that Frank Jones came back in there. I do not know just how long it was. I have forgotten about the handcuffs.

After Jones and this other man brought this party in there and left it, Edgar Bailey inside of the jail moved the body. They put it there in the room where he and his wife was and he just pulled him on in a cell.

Q. Now Mrs. Edwards, since refreshing your recollection, I asked you earlier who it was that was dragged into the cell when the sheriff said let him in and you said you didn't see who it was, that you didn't see him—Who did they bring in there a white man or a negro?

A. I don't know sir.

Q. Beg pardon?

A. I don't know sir.

Q. You do not know?

A. No, sir.

Q. Now Mrs. Edwards, when the Sheriff told them to bring him in, did you hear Mr. Frank Jones say anything?

A. Yes, sir.

Q. What did he say?

A. He said, well we have brought him four miles, we just as well bring him on in.

Q. Brought him or drug him?

A. Drug him.

Q. Said we have drug him four miles and just as well bring him on in?

A. Yes.

Q. And then they did bring him on in?

A. I guess so, I don't know.

Q. I will ask you, did Frank Jones come back in and take any handcuffs off of this negro?

A. Well, he came back in. I do not know just what he did.

112 MR. HOKE EDWARDS, 23rd witness sworn in
 behalf of the Government, testified on

Direct Examination.

My name is Hoke Edwards. I was in jail at Newton on the night of the 29th of January of this year. I had been sentenced there and was expecting to be sent away some time soon. My wife was permitted to spend the night with me there and another man's wife was also permitted to stay there.

To tell you the truth I do not know what happened in the jail there that night, only I know they brought some-

body in there but I don't know who it was or nothing at all about it. We had the lights off in the jail. The lights were not turned on. The light on the outside was on but the lights on the inside were not.

My wife and I were right in the front on the left side. Mr. Claud is the first one that came to the jail. When he came in I don't remember what he said. If he said anything, I do not remember exactly what he said. I had to get up and move my bed for him to open the door because I had placed two of the cots together. I moved the cots before anybody came in. The sheriff did not tell me to move them. I do not remember whether he said anything or not. When he pushed the door back, it didn't open like it should open and I just moved one cot back. Then, two more fellows came in, Frank the best I could tell and Jim Bob Kelley. They had hold of somebody. I do not know whether they were dragging anybody or how because I couldn't see. I walked on in the back. They were not in there but just a minute or two and they walked on out. If anything was said in there by any of them, I do not remember it.

I couldn't tell whether the man they brought in was handcuffed or not. It was dark and I couldn't see. I did not move the body. This boy that was in there with me, he moved it but I do not know exactly how he moved it or nothing at all about it. I just know he moved it.

I seen Frank Jones when he came back the second trip. I do not know whether they took the handcuffs off of him then or not because I was in the front and he went on in the back.

Q. Mr. Edwards, did you make a statement to the FBI about this matter when you were interviewed?

A. I talked to them.

Q. Well, did you sign a statement, look at that statement?

A. Well, I can't read much and I wouldn't know.

Q. Well, suppose you read the statement there, read it from beginning to end, to yourself, there I mean?

A. I can't read this.

* * * * *

Q. Mr. Edwards, I ask you again whether or not Mr. Frank Jones took the handcuffs off of this body that was brought into the jail?

A. I couldn't say because I don't know sir.

Q. You mean you do not know or you do not remember?

A. I do not remember whether he did.

Mr. Short:

We have no questions.

114 MRS. MABEL BURKE, 24th witness sworn in
behalf of the Government, testified on

Direct Examination.

I am Mrs. Mabel Burke. On the night of the 29th of January of this year I was spending the night with my husband in the jail there at Newton. I did not see Sheriff Screws come into the jail that night. I was asleep and when I woke up my husband was dragging the negro in the cell. He was bloody some. And later on Mr. Jones came and took a pair of handcuffs off of him. That was after my husband had dragged him into another cell.

Q. Did your husband drag him from the hall into the cell, Mrs. Burke?

A. He was back in the back where we were at and he didn't drag him but just a little piece. He put him in this cell to get him out of my sight. It wasn't very long after

that before the ambulance came. I do not know just how long it was but it wasn't very long.

(No cross examination.)

115 HENRY NEAL (Col), 25th witness sworn in
 behalf of the Government, testified on

Direct Examination.

My name is Henry Neal. I live in Albany. I work for Mr. C. D. Kenney now. In January of this year I was working for Walter Poteat. He is in the undertaking business.

I remember the night that I went down to Newton and got Bobby Hall, which was about the 29th of January of this year as near as I can come at it. I do not remember the date. I do remember the night I went after him.

About 1:30 or 2:00 o'clock the nurse at the hospital, I do not remember, I do not know what nurse it was called me and asked me could I go down to Baker County, to Newton, to get a man that was down there hurt. I told her "Yes ma'm I could go", and I got up and dressed and went around on Jefferson Street whether the other boy, Manley Poteat, was and picked him up. He is the son of the owner of the undertaking place, and he and I went to Newton. We drove right in front of the jail. We went down in the ambulance and we stopped in front of the jail-house with the ambulance. I was driving and I got out and Mr. Frank Jones said "Henry, we have got one in here for you to carry to the hospital." I had known Mr. Frank Jones for about three years because I worked there in Newton for about three years. He did ask me what business I was in. He said "Henry, what are you doing now?" and I said "I am in the undertaking business."

And he said "Well, we have got one here for you." I said "Who is it?" He didn't say anything and he went and opened the jail door and when he opened the jail house door, I said who is this? He said "O, you know him." I said "No, sir, who is it sho nuff?" The one that was in the jail house was bloody. And I says to him, "Who is it sho nuff?" And Mr. Bailey, he said, I do not recall his first name but Mr. Bailey, I know him when I see him—we all called him Mr. Hot-Shot Bailey. He was in there and he says "That's Bobby Hall, Henry, you know Uncle Willie's Bobby." I said "Yes, sir."

Without going into all of the conversation Manley and I came out of the jail with Bobby and Mr. Jones helped us. I do not remember Mr. Kelley. We found the man in the jail-house in a cell crawling on his knees. I do not remember whether there was any blood in the cell but the boy's clothes were bloody. Yes, sir, there was blood in the cell. We brought the cot in and picked him up and put him on the cot and put him in the ambulance. I then cranked up and backed out and come on to Albany.

I remember how he was dressed when we got him in the cell. He had on a pair of pants and a pair of shorts and one sock. He didn't have on any shoes at all and no shirt. He was unconscious when we got there.

Q. Now Henry, did you notice the back of his head?

A. After we taken him from the hospital back down to the undertaker.

Q. I mean down there at that time?

We loaded him into the ambulance and we brought him to the hospital here in Albany. I went up into the hospital. I stayed at the hospital until after he was dead. Dr. Barnett said he was dead and then we loaded him back up and brought him to the undertaker, in about 30 minutes as near as I can come at it. He died in about 30 minutes after we got him to the hospital as near as I can come at

it. Manley and I took his body then and carried it to the Poteat Funeral Home.

When we got him at the funeral home we laid him out. We put him on the table. His body was bloody. His head back there, right in this part of his head (indicating) was soft. It was soft and behind the left ear was a hole. His eyes were closed. His face was swollen and his eyes were closed when I got to Newton.

I said the undertaker's name is Walter Poteat. Walter was not there when we got there with the body. Nothing was done to the body before Walter got there, nothing at all. We undressed the body down at the undertaking establishment. When I took the clothes off of him I did not turn them over to anybody. We have a shelf that we put clothes of dead people on and we put his clothes on the shelf. I did deliver the clothes to somebody later on but it wasn't no time soon after then. It was later on in the year. I delivered the clothes, I don't remember who it was but it was some gentleman I delivered the clothes to. I delivered them to the FBI. I remember this FBI Agent here. I remember his face, Mr. Calhoun. When I turned them over to Mr. Calhoun they were in the same condition as when I put them up except that they had probably dried out.

These are the trousers I took off of Bobby Hall because I wrote my name on them myself. There is my name written on them. He did not have on any shoes when we got him down there at Newton. He had on one sock. The one sock that he had on must have gotten mixed up with some of those other clothes that we had there. I do not remember whether I give the FBI agent that one sock or not. The pair of shorts he had on must have gotten mixed or went with them other clothes because I know that he had on a pair of shorts. These are the trousers that he had on.

(No cross examination.)

117 MANLEY POTEAT (Col), 26th witness sworn
in behalf of Government, testified on

Direct Examination.

My name is Manley Poteat. My father is the undertaker here. I went down to Newton with Henry Neal to get a body on the 29th of January of this year. Henry came by and got me. I imagine it was around 2:00 or 2:30. I didn't pay any attention to the time, told me he had call to go to Newton. On the way down there he told me he was going to the Newton jail to get a patient to carry to the hospital.

I didn't know any one down there at Newton. Henry knew them all. Mr. Jones, I believe it was, he came over or spoke to Henry and Henry called him "Mr. Frank". Mr. Jones asked Henry was he in the undertaking business. Henry told him yes, sir, and he told him he had one for him.

We went into the jail and got the body. There was blood in the cell there where the body was. The floor of the cell was bloody. There was a pool of blood on the floor. Henry and I raised the body up or lifted it up. I slipped when we were trying to raise that body, slipped on the blood. I really do not know how large the pool of blood in the cell was. I just know there was a large pool where the fellow was crawling around on his all-fours. He was unconscious.

We carried him from there to the hospital. I slipped down in the blood trying to raise him up. Henry and I then took him from the hospital to the undertaking establishment after he died.

(No cross examination.)

118 MRS. MARY DANIEL, 27th witness sworn in
 behalf of the Government, testified on

Direct Examination.

I am Mrs. Mary Daniel. I am connected with the hospital here, the Phoebe-Putney Memorial Hospital. I was on duty on the night of January 29th of this year. A negro by the name of Bobby Hall was brought in there that night around three o'clock in the morning.

He had some head injuries and some brush-burns on his body, brush-burns, friction burns over his body. He died in about 50 minutes after he came into the hospital. He was unconscious when he arrived at the hospital. He was in a dying condition when he got there.

I brought the hospital records with me. This is the only record we have at the hospital. The record discloses he had a depressed fracture of the right temporal region, friction burns over the arms, chest and face, completely unconscious, considerable loss of blood from right temporal region. Dr. Barnett saw him before he died. Dr. Barnett came in the hospital in not more than 15 minutes after the patient was brought in.

The body was bloody, especially around the head. That is what I noticed mostly was the head. The body generally was bloody and his clothes bloody, what he had on was bloody. He didn't have a shirt. He was not undressed. He had on his trousers. He was not washed at the hospital.

119 DR. J. M. BARNETT, 28th witness sworn in
behalf of Government, testified on

Direct Examination.

I am Dr. J. M. Barnett.

(Qualifications admitted.)

I live here in Albany. On the night of January 29th I was called to the hospital here to see a negro by the name of Bobby Hall. The sheriff of Baker County called me, Sheriff Screws. The negro was already at the hospital when I arrived there.

I found the negro unconscious with complete exhaustion from the loss of blood due to a fracture of the right side of the skull temporal region and I also found in physical examination friction abrasions on the arms and the chest and chin. By friction abrasions, I mean not fire burns, not raw surfaces but abraded surfaces of his arms, his chin and his chest. I could not say what caused those burns. They could have been inflicted by dragging him on the ground or on pavement or on pebbles.

He lived, I think, about an hour, I think the record shows, an hour or hour and 45 minutes. He died shortly after admission. He was never removed from the emergency room. All the work was done right in the emergency room. He was in fact really in a dying condition when I got to him.

His death, I am positive, was due to the blow in the right side of his skull. I would say that it would be almost impossible to give a direct answer to the question of whether this man with that blow, after the infliction of that blow, would have been able to stand up and walk, either assisted or unassisted. Many injuries that we have of that type and of that character, the patient can walk

for a short time but after the loss of blood, as he lost blood, it would have been impossible for him to walk, stand or even recognize any one at the time I saw him.

(No cross examination.)

120 WALTER POTEAT (Col), 29th witness sworn
in behalf of Government, testified on

Direct Examination.

My name is Walter Poteat. I am in the undertaking business here in Albany. I have been here working at the undertaking business about fifteen years. I have been in business for myself five years. I have been a resident of Albany about sixteen years.

On the night of January 29th of this year or the early morning of January 30th the body of Bobby Hall was brought to my establishment. I got down that morning about 8:00 o'clock. I found the body in my morgue. Nothing had been done to it that I know of at all. It was still partly clothed. He had a pair of pants on him. I do not recall whether he had a shirt on or not but I know he had on a pair of pants. Nothing had been done to the body at all.

I did not recognize the body when I walked in. I did not know who he was. The body was bloody. When I went into the morgue that morning, of course, the boys told me they had somebody in there and Henry Neal he told me it was Bobby Hall. Of course, I did not know him, not in that condition just like he was. So, the first thing I did was to pull off his clothes and get me some octagon soap and a hose and wash him real good, just scrub him real good all over. The body was bloody.

Before I washed him the body was bloody, had coagulated blood all over him and sand all over the blood, of course, and his hair was bloody and sand all in his hair. His body down through there was sandy and bloody with coagulated blood all over him, front and back and on the side, on his side and on his shoulders.

After I got him washed good I got some octagon soap and washed him, and my table is a drain table and has a big sink and I just washed him off and all the stuff went right off into the sink; and then I began to recognize who he was. I had not been able to recognize him before I washed him. I did not know who he was. I had known him before. I knowed him before this.

And, of course, I went to embalming him after I got him cleaned up and got his clothes off. I washed him off thoroughly and I examined the body. The injuries I found his body in, the first layer of skin was scraped off all on his chest, his face was blood-shotten, his eyes were blood-shotten and his side was scrubbed. By scrubbed I mean just as if he had been wallowing on the ground and scrubbed the first layer of skin off. The first layer of skin was rubbed off; and his right ear was cut in-two. This meaty part here (indicating) was cut. His left ear there was a hole in his left ear just below here (indicating). And the back of his head was crushed in and, of course, when I raised the axillary artery to inject my fluid, I finds the left ear that the brains began to run out of his head, out of his left ear on the left side. And of course, in doing that I stopped injecting the fluid and went to examine his head just to see what was wrong with it. I run a trocar into his right ear, a long instrument, a silver instrument about that long, (indicating), I ran it into the right ear up above the back part of his cranium up to the point of the middle of his head. Then, I brung it over on the left ear and carried it around and run it at the other point on the

left side of his head and I found all of this, the skin had left the skull and was just loose in there, just pieces. His skull, it had left the skin and was just pieces back there of his head. I could feel some movement of the bones of his skull. The bones were broken. The back of his head was broken, the skull was broken, his eyes were blood-shotten, both eyes were blood-shotten and his face was scarred up and he had a scar on his wrist. It was on his left wrist, I think it was. It was a fresh something, like he had just twisted his wrist, something like that. It looked like something had twisted the skin of his wrist on his left wrist. It was a very small place. You could just tell that the first layer of skin had been rubbed off. I am not familiar with handcuffs. I wouldn't say this place was about the size or the width of handcuffs. I do not know the size of them. I have seen them. This mark on his left wrist that I have described was distinct. It went all the way around the wrist, just the first layer of the skin was rubbed off.

On his left leg there was a skinned place; and on his two chests here the skin was rubbed off, on his side the skin was rubbed some and his shoulders were rubbed and his face, his jaws were rubbed, under his chin, both jaws and also his forehead.

I was present when some photographs were made of the body. These are the four photographs that were taken of the body. All of these photographs were taken on the same table. You see we had cleaned him up then and had undressed him. These pants were just laid up on him. They were just laid on his legs to just protect the lower extremities; and this one is the same way only we turned him just a little bit. The man tried to get that ear. It is the same photograph, all four of them. All four of them are photographs of Bobby Hall taken in my establishment the morning I embalmed him.

The injuries on his chest, the skin rubbed off, I could see that before I washed him. You could see that blood and dirt. There were no other skinned places that showed up after washing him that you couldn't tell before washing him. You could discover all of them but, of course, you couldn't tell what they were, but you could tell the skin had slipped. Now, when he was washed, of course, all of these injuries were clearly visible.

(No cross examination.)

124 MR. ROYSE HINSON, 30th witness sworn in
behalf of the Government, testified on

Direct Examination.

I am Roy Hinson. I am Dougherty County police officer. I was on the county police force in January of this year.

I went down to the Poteat Funeral Parlor here in Albany on or about the 30th of January of this year when there was a negro, Robert Hall, in there. I went down, I am not sure about the date but I went down on Sunday after this was supposed to have happened on either Friday night or Saturday morning. I saw him Sunday night.

As to why I went down there, I was patrolling and I rode down to the terminal station and there were a good many negroes gathered up together and they were crying on the sidewalk; so I just drove up and asked them what the trouble was and after that I went to the funeral parlor and found this body.

I looked at the body and made some examination of it. The body was lying on the table and it had been washed and had a sheet over it and Walter Poteat pulled the sheet back and I looked at his head and they were telling me

different stories about how it happened; so naturally I was interested in it. I looked at his head and his right forehead was bruised, his ears, the back of his head and on his right side had a bruised place about as wide as my three fingers, looked like the skin had been rubbed off and then part of his chest looked like sand burns.

His wrist had imprints. Of course, this body had been embalmed, wasn't any torn places on his wrist but it had a double mark imprints around his arm.

I have been an officer about a year and a half. I am familiar with handcuffs. These imprints were very close together and went around his arm, either arm, both arms had imprints but no broken skin on either arm.

Q. Well, would that be the kind of a mark that handcuffs would make?

Q. Will you just illustrate how handcuffs are used on individuals?

A. Well, an ordinary pair of handcuffs, as you see, has two ridges on the side, that is when you put it on, it works through this (illustrating with pair of handcuffs) and if a pair is put on and mashed down or either put on loosely, if the prisoner should rare, naturally it would leave a double imprint on his arm. Of course, I do not know whether they were handcuffs or not because I did not see them on him.

These marks that I saw on these two wrists were double imprints.

126 MR. JAS. L. FAIRCLOTH, 31st witness sworn
in behalf of Government, testified on

Direct Examination.

I am James L. Faircloth. I am a member of the police force here in Albany. I have been on the force two years

the 17th of this coming January. I was in service in January of this year.

I went down to Poteat's Funeral Home about the 30th of January and looked at the body of a negro named Bobby Hall. I examined that body, or looked at it and observed the injuries on it. I observed his wrists and there was some marks on his wrists. I couldn't say what put the marks there but on each wrist there was a mark, looked like the wrist or arm had been corded. That was on each wrist.

I believe it was Saturday afternoon that I saw the body. It was after it had been embalmed. The imprint was still there. I looked at his head. The back of his head, right in the back of his head was crushed, the skin wasn't bursted but it was soft like cotton and along on the sides of his face, I saw—on the sides of his face and ears there were some scars and scratches on each side of his head. I said his head was soft. There was a couple of skinned places right on each side of his chest, I reckon, approximately the size of man's hand.

(No cross examination.)

127 MR. PRICE WESTBROOK, 32nd witness sworn
in behalf of Government, testified on

Direct Examination.

I am Price Westbrook. I am a member of the police force here in Albany. About the 30th of January or sometime around that date this year I went down to the Poteat Funeral Home here and saw the body of Robert Hall or Bobby Hall.. I looked at the body. I just looked at it and saw the injuries about his head, chest and shoulders, his stomach and arms.

I made some examination of his wrists. I looked at his wrists. His wrists was skinned up, both of them had marks on them. The marks were wide, looked like double marks on both wrists.

Cross Examination.

It was Sunday night some time during the night when I saw him. That must have been along about the first of February. I do not remember the date. I do not know when he was carried to the undertaking parlor though.

MR. J. D. WHITE, 33rd witness sworn in behalf of the Government, testified on

Direct Examination.

I am Mr. Dillard White. I live down in Baker County. I do not have any business in Newton now. I used to have one there. I clerked for Mr. Hall down there last year. I had a place of business there in January of this year. I slept there in the place of business at night, only when I was out at the farm.

I remember the night that Bobby Hall was beaten up down there on the Court-house square. I was in Newton that night at the place where I slept. The next morning about five o'clock I was up and Mr. Frank Jones and Mr. Jim Bob Kelley called me and asked me did I have a fire. I told him I did. He asked me who was in there with me and I told him a certain person and I asked him who was with him and he said his sweetheart. Mr. Jim Bob Kelley was doing the talking. I then opened the door and Mr. Jones came in with Mr. Bob.

Mr. Jones was in fair condition, I call it. Mr. Jim Bob had drank a little bit. I could tell he had been drinking. By

fair condition I mean that he knowed what he was doing and everything.

I noticed some blood on Mr. Jones' boots. I asked them where they had been and Mr. Kelley said they had a big frolic around there and I ought to have been around to it; and they talked on and said there had been a killing; I asked them who got killed and they said you will know in the morning.

I said they did bring some liquor in. They didn't say anything further to me about what had happened up there. There was no description of the party that they referred to. They didn't refer to anybody, never did tell who had been hurt.

There wasn't so much blood on Jones' boots. He did have on boots. Mr. Jones did not stay there very long. He said he had to go home. Mr. Bob stayed there some time and finally lay down on the cot and went to sleep and I made by preparations to go out to the farm and I woke him up. He asked me to give him my keys and let him stay there, that he would give them to somebody after I come back but I told him I wouldn't be back until after dinner and I couldn't do it. So, he left and went outside. That was between 5:00 and 6:00 o'clock in the morning when they left. It was about five o'clock when they got there.

(No cross examination.)

129 MR. JAS. P. WILLINGHAM, 34th witness
sworn in behalf of the Government, testified on

Direct Examination.

I am James P. Willingham. I am just out of the hospital. That is the reason I am on a stretcher. I am just

out of the hospital. I live across the river on the Radium Springs Road in Albany. I have lived at Newton. I think I was living there in January of this year.

I was in Newton about the time or right after Bobby Hall was killed down there. I stayed there, I imagine, two or three weeks after he was killed and moved on up here, might have been a little more but something like that.

I know Frank Jones, Jim Bob Kelley and Sheriff Claud Screws. The day following the killing of Bobby Hall, I had some conversation with Mr. Frank Jones. I talked with him a little while over in front of Johnny West's liquor store Saturday morning after the killing was on Friday night.

Me and Frank has always been mighty good friends and I asked him about the thing, how it happened and so on, and he told me that the negro had a mighty good pistol and they taken it away from him and the negro acted so damn smart and went before the Court in some way trying to make them give it back to him, tried to make him give the pistol back, you see, and went to Robert Culpepper from Camilla, and during the time he asked the Judge something about making them give him his pistol back; and that they went out there that night with a warrant and arrested him and handcuffed him and brought him to town and the negro put up some kind of a talk about wanting to give bond or something to that effect and they beat hell out of him; then, that when they got him up to the well they whipped him some more and he died shortly afterwards. He said the negro attempted to shoot them at the well; said the negro attempted to shoot them at the well with a shotgun and said he hit him with a blackjack. Frank said he hit him with a blackjack pretty hard and I asked him about how in the world did the negro try to shoot you and you had him handcuffed and he said well we finished him off and that is all. I didn't have nothing

to do with it and don't want to have anything to do with it.

He said that they beat him between Hall's house and town and they finished him off at the well. I asked him how come all that string of blood there through the sidewalk and he said that's where they drug him through the Courthouse and out through the men's toilet and out to the back.

I am sorry I can't talk loud enough for you fellows to hear me but I am nervous and I am kind-of weak and can't talk very loud. I said I asked him how come all that blood across there through the sidewalk, I said was he bleeding all that bad and he said they drug him all through the Courthouse and through the toilet and to the jail house. And so we left and I said "Well, looks like you all done a pretty nice job." I do not know that he made any reply to that. This conversation took place in front of Johnny West's liquor store.

Newton, Georgia is in Baker County and Baker County is in the State of Georgia. I am familiar with the Phoebe-Putney Memorial Hospital here in Albany, know where it is. It is in Dougherty County in the State of Georgia.

Cross Examination.

I do not remember the last time that Sheriff Screws arrested me and incarcerated me in jail but he has arrested me, I know. I do not remember when the last time was. I do not keep up with things like that. I do not keep up with the various arrests.

I haven't told anybody much what I have told here today. I hadn't told anybody about it until I came here today except I told the FBI men about it when they came to see me. They came to see me some few weeks after it happened. Those are the only people that I mentioned it

to. I haven't mentioned it to anybody besides them. I haven't mentioned it to anybody except them that I know of.

I got the impression from the blood that they did a pretty good job. From the way it looked, I think they did a good job.

131 MR. W. H. CRAWFORD, 35th witness sworn in
behalf of Government, testified on

Direct Examination.

My name is W. H. Crawford. I am employed by the Federal Bureau of Investigation. I have been with them since March 4, 1940.

I was associated with Special Agent Marcus B. Calhoun in investigating this case. The second interview with Sheriff Screws was occasioned by the fact that we wanted to get the criminal docket of the Justice of the Peace. So, we went by the Sheriff's office and he turned over to us the criminal docket. We turned through the criminal docket with Sheriff Screws and asked him did he make any of the entries in the criminal docket.

I have here photographs of several pages in the docket, not the whole docket. The pages I have here show the entry of the Bobby Hall warrant. I asked the sheriff about who made the entries on this page. We asked him did he know who made them and he said no. We asked him did he make them and he said no. We got the warrant from the Sheriff on February 20th, the first day we were down there. On this second interview when we were asking him about the docket sheets, we asked him did he know who wrote the warrant and he said no; and we also asked him did he write it and he said no. He said he did not know.

We did not take specimens of handwriting from the sheriff on that occasion. We later interviewed the sheriff again and obtained from him handwriting specimens. I have here the original specimens that we took from the sheriff. There are six pages of specimens.

We took the warrant that the sheriff turned over to us, the original warrant and the photograph of these docket sheets and the specimens of handwriting that we took from Sheriff Screws and we transmitted those by United States mail to our Bureau in Washington, to the technical laboratory at Washington, D. C. and asked that examinations be conducted to determine if the handwriting of the questioned documents was the same as the handwriting on the known. We transmitted them to Washington and asked that an examination be made of them. We marked these exhibits before we sent them up and the marks are on them now. Later they came back into our possession from our Bureau in Washington with the same markings that we put on them.

The purpose of sending the documents, the warrant and the docket sheets and the original specimens of Sheriff Screws' handwriting to the laboratory was to determine if Sheriff Screws wrote the warrant and also to determine if he made the entries on the docket.

Q. Mr. Crawford, when photographs were taken of the docket sheets in the Justice of Peace's docket from where did you get that docket?

A. We got the docket from the Sheriff's office.

Q. Now, where did you leave the docket?

A. We left the docket after we got through with it with Judge Riley. In fact, we got Judge Riley's permission, Judge T. A. Riley the Justice of Peace, to obtain the docket from the Sheriff's office because he, as I understand it, is the legal custodian.

Q. And you delivered it to Judge Riley?

A. Yes, sir.

Cross Examination.

By Clint Hager:

Q. Judge Riley is Justice of Peace?

A. Yes.

Q. And you delivered it back to him?

A. Yes, sir.

Q. And left it in his possession when you left there?

A. Yes, sir.

134 MR. HUBERT L. DAVIS, 36th witness sworn
in behalf of Government, testified on

Direct Examination.

I am Hubert L. Davis. I live at 320 S. Veitch Street, Arlington, Virginia. I am a Special Agent of the Federal Bureau of Investigation assigned to the examination of questioned documents. My headquarters are the FBI Laboratory, Washington, D. C. I have been employed by the Bureau over two and a half years. During this period of service with the FBI I have been assigned specifically to the examination of questioned documents, including handwriting, hand-printing, type-writing, printing, forgeries and altered documents. In that period of time I have examined thousands of specimens, including the types of examinations that I enumerated. That is my regular assignment in the Federal Bureau of Investigation, to examine documents, handwriting, etc.

I am a college graduate. I received my B. S. Degree from Western Kentucky State College at Bowling Green, and after graduation I worked for six and a half years as Assistant Cashier and bookkeeper of a national bank; and on receiving my appointment with the Bureau and assigned to the Document Section, I attended classes, lectures

and discussions pertinent to that type of work and worked with other examiners until I reached a degree of proficiency whereby I was granted permission to act on my own judgment.

In my work in the Bureau I make these examinations and act on my own responsibility. This document which purports to be a state warrant, handed me by the district attorney, came to me for examination. This was submitted to me in the laboratory for handwriting examination. These specimens of handwriting also came to me for examination. I marked all of them. I was requested to compare the handwriting appearing on the questioned warrant with the known handwriting to see if they were written, if I could reach a conclusion as to whether they were written by the same person.

I made some charts in my examination by using a photographic negative made the original size, the as-is size of the documents, the questioned warrant and the known handwriting, and that original negative was placed in an enlarger and enlarged on these charts approximately five times. I have some charts here that I made up in this comparison. These are my charts here and I shall now unfold just those charts on the warrant.

(Large handwriting charts exhibited to jury.)

The two charts hanging to the left, to the left of the jury, are known, are the known handwriting of the individual that I was asked to compare with the questioned warrant. Now, these two—I have three, one small chart—this is the upper portion of the warrant, being a large sheet of paper. It is not possible to make a chart or the chart would be unwieldy to have it all in one section. So, this is the top portion of the warrant and this is the bottom portion, and this is the five times enlargement of the

outside, of the handwriting appearing on the outside of the warrant.

I have in my mind and am exhibiting to the jury the original warrant which was photographed. This portion, the first photograph is the photograph five times enlargement of the top portion above the double line on the warrant; and the next photograph is the photograph of the bottom portion of the warrant and the small one is photograph of the handwriting appearing on the back of the warrant, on the outside of the warrant.

In my comparison, I took into consideration those formations of letters or peculiar way of making letters which I think is characteristic of the individual's writing. This is the known specimens of the sheriff's handwriting that was sent to me from the Atlanta office for comparison with the handwriting on the warrant.

By way of explanation the red marks, the red arrows you see are extraneous markings which I have placed on there for my convenience in explanation. They are not a part of the original negative or the photograph. They were placed on there by me with a red pencil.

As I said, I took into consideration those peculiar formations or characteristics which I think are characteristic of the individual submitting the known specimens.

Taking the first word "Baker" at the top of the line "Baker County" you will note that in making the "B" the top look or portion of the B is elongated and not a rounded stroke as usually made. You will find that characteristic on the known handwriting in the letter B, and here it is very comparable to the top portion of the B on the questioned warrant.

You will find that the individual in the middle of the word, instead of making the usual small "k" the way a small "k" is usually formed, he makes a capital "K", what is usually referred to as capital form of the letter "K". That same characteristic is found throughout the known handwriting. He makes a large capital size letter "K".

The next character, I think, is very characteristic of the individual, the ending letter "r". You will note that on the questioned document instead of making a well formed small letter "r", he more or less creates a hump in the line and finishes the stroke of the "r" with an outward sweep. That characteristic is found very pronounced and very comparable in the last word "Baker" and also in the second from the bottom of the known specimen.

Turning to the name "Bobby Hall" we find the same type of "B" and in the word "Hall" in the formation of the capital "H" we have what is referred to as a tick or the beginning upstroke of the "H"; and in lifting his pen and in proceeding to form the second step of the letter "H", it is noticed that the pen has not been lifted directly and there is a small tick appearing on the bottom of the capital letter "H". And also in forming the cross between the two steps of the letter "H" we find that he begins directly on the first staff and proceeds some distance past the second staff of the letter "H". Turning to the known handwriting we find in five letter H's those same characteristics which I have pointed out, with the exception of the beginning stroke on the first two. On the last three we have the characteristic beginning stroke and also the pen drag on the first staff of the letter "H" and also the extending of the cross-line beyond the second staff of the "H" in all instances.

The next characteristic which I point out is in the word "Steeling", the capital letter "S" formation and the distance between the upstroke and the down-stroke, and the angle create at the base of the small letter "t". You will note that there is quite a space appearing at the base of the "t" and the cross-line, the crossing of the lines in the place of the capital letter "S" in the word "Steeling" are somewhat close together and you might say jammed up to that point. Turning to the known handwriting we find

the small portion or small angle created at the crossing of the capital letter "S" as appearing here and the distance, formed by a long up-sweep forming the first staff of the small letter "t" and the downward stroke. Here it is very evident that he doesn't retrace, doesn't retrace on his downward stroke of the letter "t". That wide angle is very evident in the second word "Steeling", also the third and also the last.

Spelling of words if characteristic.

Stipulation.

Mr. Hager:

Mr. Crawford (FBI Agent) tells me that he did not exhibit the writing to the sheriff but asked him to write "stealing" and we will stipulate that. He further says that he had the warrant in his possession at that time or prior to the time.

(Direct Examination Continued.)

On the questioned warrant you will notice that the word "stealing" is spelled "steeling". On the known handwriting in the six instances that he has written the word "stealing", the word is spelled "s-t-e-e-l-i-n-g", as it is on the questioned warrant. In handwriting comparisons spelling of words as well as the formation of the letters is a significant characteristic.

Proceeding with the explanation of other characteristics, the peculiar formation of the letter "g", small letter "g" ending of the word "stealing", the individual makes a small loop and not a well formed loop at the top of the "g", and in some instances breaks the line of writing before forming the small letter "g". On the known handwriting we find the characteristics, small formations of

the small loop at the top of the small letter "g", and a sweep to the right and downward forming the tail of the "g"; and, as pointed out, there is a tendency of a break between the "n" and the "g". That break is noticed in three—four instances—three instances and a tendency in the first writing "steeling" in the first line of the writing "Steeling truck tire".

In the words "truck tire" the usual formation of the letter "t", the upstroke. The small letter "t" is made with an upright stroke and a retrace downward stroke. On the questioned warrant it is found that the individual does not make an up-stroke forming the small letter "t" but begins his line of writing at the top of the small letter and proceeds down and into an arc. That is exhibited in the beginning "t" of the word "truck" and beginning "t" of the word "tire". Also, I might point out that in this instance we have a pronounced or sharp angle at the bottom of the small letter "t" in the word "tire". Then, turning to the known handwriting we find that the "t" is formed in the same manner beginning at the top and coming down with no tendency to make an upstroke beginning the small letter "t" and we have an indication of a sharp angle at the bottom of the small letter "t".

In the word "truck" there is a tendency of the writer of the questioned warrant to leave a break by lifting his pen after the small letter "u" and proceeding to the small letter "c". We find a break in the line of writing. On the known handwriting that is notice in five instances out of the six known writings of "truck", the break between the "u" and the small letter "c".

And again we have the characteristic formation of the large for the small letter "k", using capital formation of the letter "K". That is also noticed on the known handwriting.

The next characteristic which I pointed out is the word "of", small two-lettered word "of". You will notice that

the formation of the small letter "f" with the loops or indications of loops are not very pronounced and are retraces. The top portion is a retrace and a very small portion of elongated loop or formation of loop at the top of the letter "f". Turning to the known handwriting, the first letter, the first word "of", the letter "f" is formed in the same manner as in this instance: The top loop is a retrace and also the bottom is a retrace in the same manner as pointed out on the questioned warrant.

The large letter "F" in the word "Firestone" is characteristic and it is formed in unusual manner at the top in straight downward stroke, no indication of finishing the stroke. It is formed with straight diagonal stroke and the cross formed by the beginning of the upward forming the "i". That same formation of the letter "F", capital letter "F" is found in the word "Firestone" here. We have a straight downward stroke diagonally with the formation of the cross, being the beginning of the upward stroke going to the small letter "i".

In the word "make", I have pointed out two characteristics. The first is the break between the first letter "m" and the small letter "a", with the abrupt ending of the letter "m", the downward stroke to the line of writing approximately at the line of writing. And there is the "K" that I referred to previously, the formation of the capital style of "K". That same type of "m" with the abrupt ending and the break between the "m" and the "a" is found in four instances, with the exception here of the slight tick going to the "a", and the break occurs between the "m" and the "a" in all instances; and we have the characteristic formation of the capital letter "K".

The lower portion of the warrant, I think I can point these out rather hurriedly: The same wording as appears in the word "Baker", the same formation of the top portion of the letter "B" and the capital "K" formation and the slur formation, that is not a clear or good formation

of the small letter "r", as we notice on the known handwriting. That same "B" in the word "Bobby". And in the formation of the letter "H", as I pointed out previously on the other charts is the beginning tick to the first staff and the pen drag at the lower portion and the extension of the cross between the staffs, as we find it, as pointed out on the known handwriting. There is the tick, the pen drag and the extension as it appears here.

As I pointed out on the known, the angle, the width of the angle at the bottom, the base, of the small letter "t". The word is spelled in the same manner as appears on the known handwriting, "s-t-e-e-l-i-n-g". We have the formation of the "t", the base, we have the angle and the indication of a lift, indication of decrease in pressure between the "u" and the "c", the formation of the capital letter "K" there, the same "t". In the word "of" there is almost a retrace of the two loops of the "f" and the same capital "F" in the word "Firestone", the diagonal downstroke and the cross of the "F", formed with the upstroke of the small letter "i", as pointed out in the known handwriting.

This small chart refers to the name on the outside of the warrant. We have the formation at the top of the capital letter "B", very similar to the formation of the top of the capital letter "B" on the known writing, the similarity noted between the two B's in the formation of the double "b" is noticed between the known handwriting and the questioned writing on the warrant. Here again, we have the same formation of the capital letter "H", the tick or pen drag at the bottom of the first staff before formation of the second staff and the extension of the cross-line between the staffs. And another characteristic that I have marked is the distance or the length of the stroke between the small letter "a" and the formation of the first "l". It is very apparent in the fourth line of writing of Bobby Hall at the bottom of the known hand-

writing and that is noted in the formation between the "a" and the "l" of the writing appearing on the questioned warrant.

From this examination I reached the conclusion that the individual who prepared the known handwriting submitted to me for comparison with the questioned warrant was the same individual who wrote the portions of the warrant as I have pointed out, Baker, Bobb Hall, Steeling truck tire of Firestone make, and the top portion of the warrant. The words "Baker", "Bobb Hall" "Steeling truck tire of Firestone make" on the bottom portion of the warrant and the word or name "Bobb Hall" appearing on the outside of the warrant.

I did not reach a definite opinion as to the names George Durham and T. A. Riley as they were not sufficiently comparable to the known handwriting. They were not sufficiently comparable for me to reach any conclusion.

Cross Examination.

My name is Hubert L. Davis. I said I lived in Arlington, Virginia, which is kind-of a suburb of Washington, D. C. My work is all in Washington. I am 33 years old. As to becoming a handwriting expert in 33 years, they are referred to some times as experts. I call myself an expert. I consider myself as having knowledge above the average layman. My principal experience before I went to the Bureau of Investigation was as a bank clerk, six and a half years in a national bank. Then I said they gave me quite a few lectures up at the FBI. I attended lectures for over a year, approximately a year and a half.

I have been out on my own where they were willing to trust me with my judgment for approximately a year, almost a year.

The FBI is one of the investigative bureaus of the government. It is the business of the FBI to swear out war-

rants in certain cases falling under their jurisdiction, white slave cases, motor vehicle theft, etc. I am familiar with warrants and the swearing out of warrants. I know you have to make an affidavit to begin the warrant and I know the warrant does not become a warrant until it is signed by the United States Commissioner. It is my understanding, though I am not familiar, that a state warrant does not become a warrant until it is signed by the Justice of the Peace.

I do not see any similarity between the "T" that is on here, that is the signature that made the warrant—I do not find any similarity in the ending of this "T" which comes down in perfectly straight mark, no curlicue, with those "T's" there. I do not see any similarity in the portion you have referred to. I do not see any similarity in the five I have here. Every one of the "T's" is at a distinct slant to the left and not the distinct curlicue at the bottom. And the "T" here on the signature of "T. A. Riley" comes down perfectly straight. And the first two T's in here the top covering the "T" comes out perfectly straight and perfectly level, and the third one also comes out perfectly straight; and on the "T" down here there is a downward stroke and then comes up distinctly with the end of it ending rather light.

Those differences counsel points out there are differences that are noted in my examination which led to no conclusion on my part as to whether they were written by this individual or not. I did not state that if I found similarities I reached a conclusion but if I did not find similarities or rather if I found dissimilarities that I did not reach any conclusion. If you find definite similarities that show formations of letters and characteristics, as I have referred to on my charts, and you find those characteristics existing in the number that I have pointed out, the questioned in comparison with the known writing,

you reach conclusion that they were written by the same person.

I notice no similarities that would point to identity in comparing the "T" in the signature of "T. A. Riley" with the "T" that is on there. So, the "T" is out. The only significant similarity I see between the "A's" in T. A. Riley is the angle at the base of the small letter "a". I pointed it out in the first one up here and the angle in the bottom one is right here, we have a formation. I would not say that the same person who made this "A" made that "A". I would not say that they were written by the same person. I stated that from my examination I did not reach a definite conclusion. I cannot reach a definite conclusion now. My conclusion is as it was. I won't say that the same person that wrote this "A" wrote that one. I won't express any opinion about it. I won't say that he did not do it.

The letter "R" is, as pointed out by counsel, made by first starting about half-way up the line with a down-stroke and leaving a distinct loop with lots of daylight to be seen through it, comes on up here and comes back to the original down stroke and makes quite a loop there showing daylight and then comes back down even with the starting stroke. The "R" on the right-hand part of the loop has a very sharp angle on each of those. I see those on the known handwriting. I wouldn't say they were more distinct than the angle on the "A" that I called attention to. The angle on this "R" is not as pronounced. There is no definite formation of an angle at the top of the "R". The first one here has quite a bit of daylight right there. There is not as much daylight between the down loop and the upper loop right in there. Here is a slight indication. Right here is some daylight. I think that is some but it is not as pronounced as it is over here, as counsel pointed out.

I call the starting of each one of these R's, the little tip there I call a tick or beginning stroke. The beginning stroke or the tick starts there at the left and comes up before starting the down-stroke on each one of those. There is no indication of the same parallel stroke there.

I did not measure the length of the dash over the "i" on the enlarged copy. I noted that. I wouldn't say this was exactly round. It is more of a dot than these appearing here on the known. I do not see any similarity at all between that "I" and this "i". Every one of these "i's" have a slant to the right and this one is almost perpendicular, and on these i's there is a distinct v and an angle under each one of the i's on the up and down stroke. There is not a definite formation of an angle over there, not the definite formation of angle over there that there is here. I do not see any similar characteristic between those two "i's" or anything to base a conclusion on. I based my conclusions on the characteristics that were written down here. The formation of 26 letters into words is what I based my conclusion on.

One of the characteristics that I referred to was the spacing of the letters, one letter to another. There is quite a space between the "l" and the "e" in Riley. This line here is a little longer than usually formed. I said that this line here separating the "l" and the "e" is a little bit longer than usual. On this one it is very close and it is not as pronounced.

A fellow's spelling is also considered a characteristic. T. A. Riley here is not spelled the same as Riley on the warrant.

As I stated before, in my examination I reached no conclusion as to whether the same man wrote the T. A. Rileys. Even with all those dissimilarities I reached no conclusion. I cannot reach one now after having them pointed out to me. I cannot reach a definite conclusion now for the reason that in the writing of the word or the name "T.

A. Riley", as you can note, there are certain irregularities in the formation of the letters. In the word "Riley" we have an unevenness noted, in the formation of the line quality is what I am referring to; and the unevenness of the "l", the top here. It is noted that the line quality is uneven, irregular and at the bottom of the "R" or the formation of the top of the "y" it is possible that the writer could have stopped or halted for some reason or other, and those halts or irregularities in line quality, noted in this capital letter "R", are characteristics of forgery; and I took that into consideration in my examination; and, therefore, I did not reach any conclusion.

For the same reasons I did not reach a definite conclusion as to whether the person that wrote George Durham wrote either the word T. A. Riley or any of this questioned document. It is noted that the capital letter "G" and the small letter "e" in the formation of the letters there seemed to be a pause or not written regularly. There could have been a pause where the ink ran out on the paper where he could have been copying another signature as in the case of forgery. I do not say there is any forgery here. I do not say that the ink ran out. I do not say there was any pause. I say that from the indication of the writing on the paper there are indications of things that point to me the possibility of forgeries. Therefore, I could not reach a definite conclusion. All I say is there is a possibility. By possibilities I meant those instances appearing on the paper that indicate unevenness of line, irregular line quality and pauses or stops or indications. That is what I meant by that.

The amount of schooling that a fellow has had has something to do with his handwriting. Every individual writes differently from others. If they write with spencerian pen or stub pen it makes a difference in the formation of letters but still each person has his own char-

acteristic way of forming letters and it can be noted whether he writes with stubb pen.

The letter "B" was the first one I pointed out similarities in. I took up the word "Hall" in the known handwriting and the disputed handwriting about second or third. Hall over there is at the bottom of the chart. On the disputed handwriting there is a tick at the top of the letter "H", starting below the height of the letter it takes an upward turn and comes down at a left degree angle and then an upward tick here at the end of it. I think I pointed out on the first specimen of handwriting where there is a tick either at the top or the bottom. The tick does not appear in the first two. I think I said in three instances that it did appear. In my testimony I picked out those letters where I found a similarity but I did not point out directly any dissimilarities. I don't remember whether I pointed them out directly or indirectly.

As counsel points out in the word "Steeling", the first letter "S" starts about the middle of the line and goes down at a left-hand angle and then comes back sharply to the right forming two square angles before it starts on the upturn. I see the two angles counsel refers to, that angle there and this angle right here. These "S's" do not have this beginning stroke, as counsel referred to right here. You have got to have another line and make another line. I said the line is not there, the angle is not there. This angle right here is not there but this angle down here is very definitely formed right here, comparable, I think, to the one on the questioned warrant. The formation of the capital letter "S", in my opinion, is very similar. There is a sharp retrace in the top of this "S" and the "S's" here all have a big loop in them with no sharp angle at the top. There is no angle on any of them comparable to this "S". That is not a dissimilarity. It is not a similarity that points to non-identity. As I originally pointed out in the writing or the specimen and the warrant, the writing

in between the lines is smaller than the lines appearing on the known handwriting, I think. The writing would be smaller and would tend to bring in variations in sizes of the letters; if the writing was restricted in any way or within certain points, the formation of the letters would be affected.

I would not say that the top of that "S" is similar to the top of any one of the known handwriting "S's", the top of it, which is a dissimilarity in formation but it does not point to non-identity. It is not made in the same way. And the starting point with the angle at the bottom that is a dissimilarity in form.

The fact that the lines are not the same can be explained by the fact that this writing and this writing and this writing are three separate sheets of paper and they are placed on the photographic negative or the picture is made so as to include all three sheets on one negative. After measuring those two I would say that those lines are approximately the same as these over here, so there is not any difference in the line. The difference in the formation of the letter "S", I can't say, is because of the lining on the paper particularly.

In the letter "g" in "Steeling", after he finishes the loop of the "g" at the top similar to a small "a", he slants back to the left and doesn't again cross the line, comes down here and comes back up here at an angle. It does that, as counsel says, in that formation. There is no formation over here where there is a "v" left as pronounced as it is over here in this "G". That is dissimilarity in form or a variation in handwriting, a natural variation.

My opinion is based on those formations which tend to point to identity; the characteristics in the top portion of the letter "g" and the break, as I referred to, are characteristics which are more significant, in my opinion, than the upstroke of the tail of the "g". There is a formation of a loop there in the "g". There is some daylight

through it. I see a trace of a light. In my opinion the formation of the top of the "y" is very similar in all instances. In fact, the formation of the loop of the "y", as I pointed out, the distance of the stroke forming the other part of the formation of the staff of the "y" are very similar, the distance.

To some extent one of the things I base my opinion on is the apparent weight that is put on the pen, that is whether it is bold writing or thin writing. In the words "Steeling truck tire of Firestone make" I see a difference in the writing, the width of the writing but that can be not only attributed to the weight or the pressure of the pen but could be attributed to the pen used in making the writing. This could have been a fine point pen. From my examination, I would say that the point of this pen is a finer point pen than the known handwriting. If you take a fine pen point, a fine point pen and make enough pressure on it, it will make heavier writing but you will have definite traces of pen nibs or where pen nibs run into the paper. I do not see any indication of where real heavy pressure has been placed here, that is along the line of writing. Regardless of what may have caused it, I do see a difference in the boldness of this handwriting and this known handwriting. There is a difference in the width of the line of writing. It could be due to the writing instrument used.

There is a definite drag or break, I mean, between the "u" and the "c" in "truck". I think there is a definite break. In this one there is no break at all. The difference between this and the five known specimens is a natural variation. In all but one instance the break does appear in the known handwriting. I believe I referred to that in my direct testimony. There is no break in this one of the known specimens. In this one there is a pronounced break. In this one the break is just as pro-

nounced, if not more than over here. I wouldn't say but there is a definite break there in both instances.

Turning over here to "Firestone" and comparing the "F's", there is a variation in the third one here but not a definite difference. I would call that a variation, a natural variation. It is not made in the same formation; the loop is not there. There is no loop over there on that one but in three instances out of the five there is no loop, as you pointed out on the questioned warrant.

On this questioned document over here where the "F" is crossed at the top and at the right-hand side there is a distinct tick on there. I see the tick. That is a pen drag or tick and that could be a characteristic. On the five known specimens there it does not appear but again I can say that that could be a natural variation. It could have been written by an entirely different person or it could have been that the pen at this point could have stuck into the paper. That is a possibility that I could not explain whether it stuck there. I just don't know. I can't explain every mark or tick as it appears here as to whether it is a definite trace or a tendency but the formation of the letters, the uniform formation of the letters, is very similar. Some formations of the letter "F" look alike and some do not. Every person has his characteristic way of forming the letters.

In the word "make" it starts out to the left in the letter "m" with an upstroke which is lighter, which could mean that whoever made that or wrote that upstroke, that it was characteristic of them that they made a line coming up. They did in that instance there, doesn't seem to be as much pressure. The line is heavier on the down-stroke. The upstroke there is lighter and the last one is very much lighter. It is lighter than the down-stroke. The upstroke on the known writing is not as pronounced. I would say this line right here is of lighter pressure than

this line or this line. There is an indication to me there that it is slightly lighter.

The fourth word "make" of the known writing does not have the formation of the questioned but again we have four other "m's" that do start in the same manner as the "m" on the questioned warrant.

In the word "Hall" there is an angle there at the top of the first down-stroke and the two, the first two of the known specimens have no angle whatsoever. There is a very distinct tick at the bottom of this letter "H" on the down stroke. I referred to that tick. On the first known specimen here there is a slight tendency of a definite trace of a tick. There is a tendency there to make a tick. There is a trace there. In all instances of this known there is a tendency to trace and in three or four instances I would say it is prominent.

In the word "Hall" on the disputed specimen there is a wide space here between the letter "a" and "ll". That is one of the things I pointed out. I would say on the known specimens that this spacing and that spacing and this spacing and the one I pointed out are definitely comparable to the distance in the word Hall on the questioned warrant.

This handwriting business after you look-at it and study and enlarge it and you see some similarity and see some dissimilarity is a matter of opinion.

Re-Direct Examination.

These photographs of docket entries handed me are of pages 1, 75, 76 and 77. I received photographic negatives from which these were prepared.

Q. I mean did you receive that in the same manner and at the same time you received the other?

A. Yes.

I made some charts on those four docket sheets as I did on the warrant, etc. I can leave the other charts up and use these by suspending them right on.

These are the same known specimens we had here awhile ago and I am using these known specimens now in comparison with these docket entries. I shall now explain, as I did awhile ago, to the jury what comparisons I made to determine whether the writer of these known specimens also wrote the docket entries, the four pages of docket entries.

In my comparison I compared the T. A. Riley signature on the upper half, upper portion of page 1 of the docket, with the known handwriting of the individual who submitted the specimens. That is docket sheet No. 1.

Q. All right now, I hand you the original document, state whether or not that is the T. A. Riley signature that you are fixing to talk about?

A. The signature appearing on the chart is a five times, approximately five times enlargement.

Q. I know but is that the same signature?

A. It is this signature appearing at the top.

The first characteristic that I want to point out is the loop or top portion formation of the capital letter "T" and the straight horizontal line at the top of the capital letter "T" and also the upstroke or curling up of the bottom portion of the staff of the "T".

The characteristics appearing on the known specimens, I pointed out: the loop, formation of the loop and the horizontal stroke to the right forming the "T" crossing and the curling or upward stroke at the base of the capital letter "T" is noted. And that is noted in every instance with the exception of three instances where there is a slight tendency in the known, which is a natural variation, of not exactly a horizontal line. I might point out that

in writing a person never makes a copiable, a copy that is that can be superimposed over another writing. There is a variation.

No one person ever writes exactly the same or identically the same at any time but there are characteristic formation of letters. Whether a person was educated or uneducated would have nothing to do with the characteristics, as the characteristics are evidence in a person of considerable education as they are in a person that is illiterate.

The next characteristic is the placing of the period or dots between the letters "T" and "A". The second one after the "A" is very pronounced downward stroke and isn't a pen jab or a dot directly on the paper. The stroke is made by forming a short line there. That is not so pronounced in the first one. The tendency is there. It is elongated. That same tendency is there evident and may be seen in numerous instances, after the "T" and, in fact, after all of the "T's" and there is not a definite dot there but there is more or less of an elongated stroke made there with the pen to form the period or the dot after the capital letters.

In the word "Riley", the capital letter "R", the beginning stroke of the letter "R", there is a tick. There is a period on the capital letter "H" made in the same manner, that is with reference to the presence of the tick on the downward staff forming the capital letter "R" and also the top of the letter "R" the formation is comparable to the elongated loop that I pointed out with reference to the capital letter "B" in the word "Bobb". That formation or tick is noticed in every instance on the known handwriting of the capital letter "R" in the word "Riley" and also the top portions of the loop, and the formation of the loops are comparable as I pointed out about the top portion of the "R", not a rounded stroke but it has an

angle-like in every instance, as it appears on the questioned page 1 of the warrant.

The small letter "y" is characteristic and the top portion is similar, particularly the angle of the downward stroke forming the tail of the "y" below the line of writing. The angle is somewhat of a 45-degree angle downward.

I believe I was pointing out the angle in the formation of the tail of the "y" in the name "Riley". That same angle formation of the tail of the small letter "y", as found in the known handwriting, is approximately the same angle with reference to the margin of the paper. It will be noted, however, that the uptrace, upstroke, is made on the tail of the "y", whereas it does not appear on the known. I believe he does make a downward stroke with no uptrace in other instances which I will explain.

Referring to the signature on the lower half, this is a five-times enlargement of the lower half of page 1. We find the same characteristics existing in the name T. A. Riley, which I pointed out on the previous upper portion of the page and also in the known handwriting. We have the formation of the loop, the upstroke, the bottom portion of the capital letter "T", the same strokes forming the periods or dots between the capitals as they appear over here; formation of the letter "R", the same elongated loop at the top of the letter "R", and here we have the dot over the "i" in the word "Riley", a thin stroke to the right, approximately on this chart of half an inch or more.

Referring to the signature or the spelling of the name Riley on the known handwriting we have the same appearance of the stroke to the right. Instead of a period or dotting of the "i", in all instances that appears in the known handwriting as it appears here. It appears here and here it does not appear. He doesn't make any dot over that at all. It appears here and here it appears. The same angle downward of the tail of the "y" as was found on the known handwriting.

In the examination of the signature or the spelling of the name "M. C. Screws" appearing on page 1 of the lower half of the docket entry, we have the tick or beginning stroke on the capital letter "M". I have referred to that previously and also the abrupt ending in the capital letter "M". There is no tendency for the uptrace to finish the stroke of the "M". That characteristic is also noted in the known handwriting, capital letter "M", the beginning tick or upstroke and the abrupt ending.

In the formation of the capital "C" there is a simple or small loop at the top of the capital letter "C" and on the known handwriting we find the formation of the capital letter "C"—or pardon me, small letter "c" in all three of the signatures on this page of the known handwriting and the three signatures appearing on the second page of the known handwriting.

In the formation of the capital letter "S", in this particular instance we have no formation of the loop. It is more or an angle, a down-stroke and an upward stroke forming an angle at the base of the capital letter "S". That same characteristic is very evident in the known signature of this individual, in that there is no definite indication to form a loop or a circle and at the bottom of the capital letter "S" the downward stroke and upward stroke forming an angle.

The small "r" in the word, in the name Screws is characteristic in that the top portion of the small letter "r" is rather elongated or a longer stroke to the right than is usually the manner in the making of the small letter "r". That is very evident in this signature and very pronounced in the signature at the bottom of the page, the length of the stroke to the right of the small letter "r". That is evident in all instances of the known.

That finishes with page 1 of the docket, all but this characteristic on the "w", small "w". The formation of the ending stroke of the small letter "w", instead of at