

the top where he leaves the top of the small letter "w" and goes to the right to form the letter "s", is retrace of line, apparently has the appearance of an "i" and has a dot over it. That characteristic is noticed in the same manner in the known handwriting of this individual, has a dot over it that would pass for a dot over an "i". The usual manner is to finish over and then form the letter "s" instead of the retrace.

At the end of the signature it is noticed that the writer has made a dash with his pen about an inch long on the chart. That characteristic is also noted in the known handwriting very pronounced in this instance, this instance. He has omitted it in this instance but there is a definite stroke to the right appearing in this signature and the other two instances it appears very definitely.

Turning from page 1 of the docket we turn to page 75. In the interest of time the same general characteristics appear on an examination of the docket page 75 that I have enumerated. On page 75 we have the same characteristics and in the spelling of the name "T. A. Riley". Going to page 76, my examination and comparison of page 76 of the docket shows that it has the same general characteristics that I have described, the same general characteristics. Going now to page 77, the top portion of the page. The top portion of page 77 has the same general characteristics. This is the lower portion of page 77.

This lower portion of page 77, relates to Bobby Hall. I pointed out, I believe, in the signature "T. A. Riley" it could be noted that we have the formation of the loop, the upstroke of the "T", the "R" the same characteristics as is noted over here. This docket entry shows "Date of issue, 29th day of January, 1943." It also shows "Offense charged—Steeling truck tire." The name of the prosecutor is shown as "George Durham."

In comparing the "offense charged—steeling truck tire" with the writing appearing on the known specimens, it will be noted that the spelling is similar, spelled in the same manner, "s-t-e-e-l-i-n-g" as was pointed out previously in all instances on the known. And we have the "g" formation, formation of the "g", not a closed circle at the top above the line of writing. That was pointed out previously on the known handwriting of the small letter "g".

And the name "Bobb Hall" the same type formation of the loop of the capital letter "B" and the "H". That has been described. We have the tick or beginning upstroke of the staff of the "B", the pen drag or retrace upstroke going to form the other staff in the letter "H"; and also the cross line; and here the distance between the small letter "a" and the first small letter "l" is pronounced, as has been pointed out previously in the known handwriting of the individual. "Steeling truck tire", in "truck" in this instance we have the break between the "u" and the "c", a break between the line of writing; the capital letter "K" and the "T" with no upstroke or beginning stroke to the small letter "T", in both instances at the top of the letter and not at the beginning of the bottom of the line of writing. That characteristic has been pointed out previously on the known handwriting, the break between the "u" and the "c" and the beginning of the "t" at the top instead of at the line of writing with the initial upstroke, the capital letter "K" at the end. That completes them.

From my examination and comparison of the known handwriting of Sheriff Screws there with the handwriting on pages 1, 75 and 76, that in my opinion—I reached the conclusion that the person who wrote the known handwriting as is exhibited in these charts on the left wrote the "T. A. Riley" signature on the upper portion, the upper half of page 1 of the docket; the T. A. Riley and M. C. Screws signature appearing on page 1 of the lower half

of the docket; the T. A. Riley name, page 75 on the lower half; the T. A. Riley name page 76 and the writing on page 77, upper and lower half, T. A. Riley, Bobb Hall and "stealing truck tire".

On this last one I did not reach a conclusion about the George Durham signature. It was not compared because I had no signature. I had no known signature to compare it with.

There are no two pieces of writing by the same person that are absolutely identical. They could not be superimposed in all respects, placing one over the other. There is a natural variation in signatures that are written thousands of times. Every time you write your signature it will be different. There will be a slight difference. There will be a difference. There will be a variation in the line of writing. All individuals have distinct handwriting characteristics. The conclusion is not based on the "B" or the "S" or the "M" or the "R" or the "W" or the "T" or any portion of those letters taken individually. The combination or the accumulation of those characteristics as they appear on the known writing as compared with the characteristics appearing in the questioned writing are considered and compared together as a whole. That is how you reach your conclusion and that is how I reached my conclusion in this case.

Re-Cross Examination.

Q. In making your comparison if you find more elements of dissimilarity than you do of similarity what conclusion do you reach?

A. If there is evidence, if there is characteristic evidence of dissimilarity, the conclusion is non-identity.

I testified about portions of pages 1, 75, 76 and 77. On page 6 of the Justice of Peace's docket, involving the state versus John Jackson and the State v. Frank Carter, the "T.

A. Riley", the "M. C. Screws" on the top portion of page 6 and the "T. A. Riley" after the line "Warrant issued by" appear similar and could have been written by the individual who wrote on pages 1, 75, 76 and 77.

On page 18, in the case of The State v. Cleo Ferguson for hog stealing the writing there, in my opinion, is similar to the writing I testified about on pages 1, 75, 76 and 77.

On page 56 I cannot make the statement that the writing there, aside from the signature, is similar to the writing that I have identified or testified about on pages 1, 75, 76 and 77 because I have no comparable known writing to compare with these words. I can't make a statement as to that. As I said, the writing on pages 6 and 19 could have been written by the same individual as the other. On page 56 there are less indications, just as a curbstone opinion, that the same person did the writing. Counsel understands that this is merely a statement of opinion and it is not an examination.

On page 57, case against J. C. Carter for a misdemeanor, I can't make a statement about because I have no word "misdemeanor" in the known handwriting with which to compare it. The number of letters would not have anything to do with it and the same letters wouldn't help. You have got to have the formation of the letters in the words of like spelling and manner to make a comparison. The characteristics of one letter as set out in the middle of a word may be different in a different word. They are not comparable to begin with.

The writing on page 82 appears as if it could have been written by the individual who wrote 75, 76 and 77. There are similar characteristics present in the signature there of M. C. Screws as the one I have testified about.

On page 83, cases of the State versus Sam Jones and John Wesley Davis, the characteristics appearing in the "T. A. Riley" on the top portion and "T. A. Riley" on the

bottom portion and the characteristics in the M. C. Screws signature could have been written by the person who wrote the known handwriting.

The characteristics in the "T. A. Riley" signatures in the two cases on page 84 are similar to the handwriting on pages 1, 75, 76 and 77 that I have described.

On page 85, the State v. Louise Jackson, the handwriting on that page, in my opinion, is not the same as the handwriting on pages 1, 75, 76 and 77. There are different characteristics in the "T. A. Riley" signature. There are different characteristics present.

161 MR. OTHA M. SANDERS, 37th witness sworn
in behalf of Government, testified on

Direct Examination.

My name is Otha M. Sanders. I live at 307 Carroll Street, Albany, Georgia. My business is that of a photographer. I have been a photographer since March 8, 1930.

I made some photographs down at Newton this morning. Mr. Crawford, FBI Agent, was with me when I made them and the other gentleman over there, Mr. Calhoun, FBI Agent.

This photograph, designated No. 1, I made this morning is a general view shot from the post office side of Mrs. Jernigan's house, front porch, from the side of the porch closest to the post office. You can tell by that arch right there I was standing right on the edge of the porch.

This photograph now exhibited me is a photograph made from the front window on the jail-house side of Mr. Ellis' house at Newton, the front window next to the jail. I did not take it from the inside of the room but from just outside of the window. That window was shown me. We

just agreed to shoot it from there, Mr. Calhoun. Mr. Ellis and one of his girls was present, I do not remember which one. I wouldn't know either one of them by their name if they were called. This is not looking towards the jail but it is looking towards the back of the Courthouse there. You see, the jail is sitting right over here (indicating on photograph).

Here is another photograph shot from the porch of Mrs. Jernigan's house, from the other side of the porch. You see I shot one from one side and one from the other and this is the one from the side down towards the warehouses on the other side, on the opposite side. It is the side farthest from the post office. That is from the Jernigan home, from the front porch of the Jernigan home.

Here is another photograph made from the center of the porch or the doorway of the house of Mrs. Jernigan at Newton, made from the center where you walk out on the steps or the doorway, you might say. This is looking towards the well, the artesian well at Newton.

Here is another photograph shot from the steps of Mr. Ledbetter's or I believe it is a hotel, standing on the front steps shooting towards the well. That was taken this morning. This car was placed at the well this morning. The man standing by it out there is not Mr. Crawford but the other gentleman, Mr. Calhoun; and this lady is unidentified. She was just walking by. And this is from the Ledbetter front porch or the steps.

Here is another photograph made from the rear window from the back window of the Ellis home. There were two windows we shot and that was made in the presence of Miss Ellis and Mr. Ellis, looking toward the jail, sir; and this takes up along here where that other one leaves off. This building over to the left is the jail, to the left of that photograph.

Here is another photograph made in front of a window on the porch of Mr. Ledbetter's home at Newton. They

have a lot of vines up there and there are holes in the vines and I put the camera right up there and shot one. There are leaves on that vine that screens the porch in. I mean I shot this view from behind the vines. That is looking in the direction of the well.

This is another photograph made from the porch in almost the same position as the first without the car being placed. The man at the well is unidentified. That one is taken from the front steps of the Ledbetter home and there were no vines over where I was standing at that time. This was made from the steps. I was standing on the steps when I made that one.

This photograph is a shot from the same place as the others through the vines without the car being placed or before the car was placed there. It was shot behind the vines and on the porch in front of the windows.

These pictures were made this morning, I will say, at 7:30. I did not get the exact time. When I was standing on Mr. Ledbetter's house I was facing the sun directly and the sun was just high enough to give me trouble with the camera. That's the reason they are so dim.

This picture was made from the porch, the Ledbetter porch and the reason it is so foggy is because the sun was shining directly in the camera. That's the reason that picture is not as clear as the others.

There is a city light near the Ledbetter home on a pole. You can see a light there. It is not right outside of the house. It is out in front. It shows distinctly on the photograph across the street on the Courthouse lawn. It is across the street from the Ledbetter's to this light and I would say it was 60 or 75 feet. I measured the distance from the ground up to the light on that pole with my camera. It was about 18 feet with that particular light. The other one through the range finder—we have an automatic range finder—the other one says about 3 feet higher or 21 feet on the one in front of the post office. The light

I am talking about is another light. I measured two of them. The one in front of the hotel or where the Ledbetter's lived was about 18 feet high and the light over there next to the post office was 21 feet high from the ground up on a pole. The one in front of the post office is hung on a wire. It is hung on a wire from two poles and swung in the middle.

I developed these pictures and they are correct impressions of what I took down there this morning.

Cross Examination.

I said that this photograph identified as No. 6 was taken was behind the vines of the Ledbetter hotel porch. I was behind the vines. I was behind the vines as if I was standing there looking out with my eye. How far do you ordinarily stand behind vines to look out? I was right at the vines. I did not have the lens of my camera projecting through any particular hole in the vines, only right in front of the window. I did not have the camera through the vines. If it had been through, these leaves on here would not have shown. That shows the camera didn't go through. There were several places I could just walk up and see through. It was not any particular one.

If I had stood back near the wall, I would have gotten a photograph but not that distinct.

I was standing within a foot of the same place when I made photograph identified as photograph No. 5. I tried to get the same place. I tried to get at the same identical place. The difference in the photographs is there is a car parked in that one and there is not one in this one. That is the only difference in these two photographs, a car parked in one and there is no car parked in the other.

I was present and my camera was used one day last week when Mr. Lester Rogers took some pictures down there at Newton. I remember those pictures. I saw the

angles from where they were taken. I would know those photographs now if I were to see them.

This is a true portrayal of the Ellis home from the angle it is shot. This is a picture that was made—Now, the instructions, I believe, was to make a picture on the door-steps, on the ground and every 20 feet to the jail house door, and this is one just before the last picture was shot, the best I can remember. This one shows near the jail. This one is near the jail. This photograph is a true portrayal of the Ellis home at the distance of some 20 feet from the jail-house steps. (Identified Defendant's Exhibit No. 1.)

This picture handed me is the third picture, I believe, that was shot, from about 20 feet from the Court-house steps proceeding toward the jail; and Mr. Rogers was standing on the walkway from the jail-house door. They have a paved walkway there, I believe, that is going out of the rear of the Court-house toward the jail. That is before you reach the coping out on the Court-house yard. There is part of the coping there that shows in the picture.

This is a true portrayal of the porch of the Ledbetter Hotel as it was and is this morning.

This is a picture made from in front of somebody's service station there or close to the Suwanee Store and cutting across at an angle to the Court-house square. Here is the coping and there is the jail. Here is the corner of the Ellis home right there and here is the Court-house over here. That would be toward Milford but not the Milford road. It is west of the jailhouse and the Ellis home.

This photograph was made right in front of the Ellis home shooting by the Courthouse across the Courthouse lawn at the jew store. Now, I am not good on directions but it is directly in front of the Ellis home. Looking out toward the Suwanee Store the artesian well is around the corner here. It is around the corner of this building from

where this picture was made. It is around the corner there but in front of the Courthouse outside of the coping.

I would say it is about 50 feet from the Courthouse steps to the well.

This picture is a shot made close to the well shooting across as far as Joe White's filling station. With reference to that picture the Ellis home would be directly in this position here, back behind the Court house. (Defendant's Exhibit No. 6.)

This picture portrays the same shot showing three houses in accordance with the position of the well. Now, this is the Jernigan home and there is the post office and I don't know whose place that is there but here is the well. I do not know whose home this is right next to the post office.

This picture was taken from almost in front of the Ellis home but a little back towards the sign post to show part of the Ellis home and the position of the jail. (Defendant's Exhibit No. 8.)

This is a picture of the Courthouse showing the position of the well. It was shot from a load of peanuts parked up at Joe White's service station. And this is the center of the two highways, one highway 37 going east and west and highway No. 91 going north and south. I was not doing the shooting. I was observing Mr. Rogers while he was doing the shooting of the pictures.

This picture was made another step nearer to the jail than picture No. 1 was. I mean this picture was taken 20 steps nearer the jail than picture No. 1. This is picture No. 10 (Defendant's Exhibit #10).

This picture portrays the Ellis home. If I had them in a series I could tell as they come along. This is the first picture that was made on the Courthouse steps. You can tell by the elevation of the grade, being up. You see the difference. That is made from the Courthouse steps. That is the back Courthouse steps going toward the jail, the first

picture we made—No, that is the first picture Mr. Rogers made. This picture was made immediately after you step off of the last step. Picture No. 12 was made immediately after you step off the last step of the Courthouse going toward the jail. It was made on that little old paved walkway. There is one of those others that comes in before this one. That was right after we got out of the coping looking toward the Ellis home. I believe this is the picture we made just before the first one. That is the one Mr. Short handed me a few minutes ago. Some of them have gone ahead. This one was not made inside of the coping. That was outside of the coping between the coping and the jail, somewhere between them. This picture No. 14 was made outside of the coping too on the way to the jail.

Re-Direct Examination.

On the photographs that Mr. Short just exhibited to me the angles or the spots from which the photographs were to be taken were selected by Mr. Rogers along with Mr. Screws. Both of them were there and they made the pictures and I followed along behind them. Mr. Rogers made the pictures from the angles he wanted them. I do not know that he made them from the angles Mr. Screws wanted them made.

Mr. Rogers referred to is Mr. Lester Rogers. He runs a peanut warehouse at Newton. He has been with a newspaper and he is a good photographer. He is a photographer. He doesn't follow it for a profession.

These views were shot from angles selected by Rogers or Screws. They chose their own angle. These pictures Mr. Short exhibited to me were made one day last week.

This picture showing the vines there in front of the hotel or the Ledbetter home was shot from the other side of the well looking towards the Ledbetter home, showing a view of the home, shooting towards the Ledbetter home. They

did not shoot a picture from behind the vines toward the well. They did not shoot one from the steps of the hotel or the Ledbetter home looking toward the well.

There was no effort made to take a picture from the Ellis home looking toward the jail or from the window of the Ellis home looking toward the jail, the window next to the jail. There was no effort made to take a picture looking from the Jernigan home looking toward the well.

Re-Cross Examination.

As to who chose the spots from which I was to take these photographs for the government, I chose some of them to show what they asked to be shown. The gentlemen from the FBI they said they wanted to see the well, see if they could see the well. So, I got so we could see what they wanted, where we could see or not see the well at those spots.

Q. And at each spot that they said they wanted to see the well, you could see it?

A. No, sir, you could see it but it will not show in the photograph, sir.

Re-Direct Examination.

I resorted to straight photography in taking the pictures of the well from Ledbetter's hotel and from the steps. There was no trickery about that. You can't trick with that camera, sir.

169 MR. A. B. LEDBETTER, 15th Government witness sworn, recalled, testified further on

Re-Direct Examination.

I am the witness who testified here yesterday. I was at my home this morning when some pictures were made

down there. Government's picture No. 9 was taken from the hotel where I live. It is taken from the front porch of the hotel through the vines there. I do not know whether it is through the vines or on the front steps but I think it is through the vines.

The automobile, shown on Government's picture No. 7, is not in the position the automobile was in the night that Bobby Hall was killed. This car, the back end sticks back too far. This car here the back end of it is too far around. It is supposed to be here because when I got up I went to the window and I could see around here (indicating on picture to the jury). In other words, the car was more parallel with this fence here or the sidewalk here.

The well is just on the other side of this car and the body was lying about, I would say, about eight or ten steps, out about eight or ten steps in the road from the well. That would put it well within my sight from the brick steps. The pool of blood was about the same place. The car did not block any of my view of what was happening.

This is where Mrs. Jernigan lives, over on this side of the square, approximately over here. She lives right in this house.

This picture, defendant's exhibit No. 3, purports to be a front view of my home, taken from the east looking towards my house. Those vines on the front are a summer vine. Kudzu is what it is. In the winter there are no leaves on it. In other words, my vision is not obstructed in the winter time. There were no leaves on it in January when this happened.

Re-Cross Examination.

This car in the picture is standing about where the car was standing but the back end, Bob, was around this way. The car was not parked like this car. It was not parked

like this one is now but the point or the location is the same, about the same place, I would say it was six or eight feet this side of the well. I would say this car in the picture is ten or twelve feet this side of the well. I did not have this car placed there this morning. The gentleman on the end of the table there had it placed. It was not done at my suggestion. He asked me how the car set. He said I am going to drive my car over there and park it. I did not even go out of the front door. I still stood at the house. He had told me before parking the car that he was going to do that for the purpose of taking this picture and he went and parked it and took the pictures. After he parked I told him that is where it was. I told him that then and there but he didn't change it. He did not change the manner and way it was parked before he took the picture. He drove over there and got out of the car and he stood over there on the other side of the well. When the picture was made, after he made the picture, he came to the house and that is when I told him that I didn't think this car here was parked like it was that night. He walked over to the house. The photographer was on the front porch. After I told him the car was not like it was that night, he did not undertake to make another exposure and change the location of the car, not that I know of.

I would say it is 30 feet or 30 steps rather from this corner here to this well, to that post.

I have had no conversation with Mrs. Jernigan or anybody else with reference to the location of the automobile since Mrs. Jernigan was on the stand. I have not mentioned to anybody about the location of the car. The first suggestion I had about that was this morning when this gentleman over here mentioned it. I told him how the car was parked. This morning when the Federal Bureau of Investigation agents were at my home is the first time that anybody had mentioned to me or I had mentioned to

anybody about the location of the car on the night of the killing. That was the first time.

Re-Direct Examination.

If the car had been placed as I said it was, like the other one was, I could have seen the well.

172 MRS. OLLIE JERNIGAN, 16th Government
witness sworn, recalled, testified further on

Re-Direct Examination.

I am Mrs. Jernigan who testified here yesterday.

This picture, Government picture No. 3, this part leads to the front door of my home. The picture does not appear to have been made exactly from the front. It was made from kind-of the side front. This walkway here shown in the picture leads up to my front door. The well is right back here. This view from my front door and looking to the well shows that you can see the well from that point.

Government picture No. 1 is a view taken from my house to the hotel. It is taken from the driveway of my house. On this picture the well is approximately right in there. That is the well right there. From that point you have a clear view of the well.

This picture was made from the side front across the front steps right here. There is some shrubbery on the side and it was from the window on the other side of the scrubbery that I looked out. In other words, the window is over here and I was looking out of the window in this direction. The well is right here. (Indicating on picture before jury). I certainly had a clear view from this window here to the well.

Defendant's Exhibit No. 7 is a picture of my house, looking towards my house, and it is from this point that I was standing and could see the well. The window is right in there. This shows the view from my house to the well from the window. That is my house over there in this picture. This represents a view from Mr. Ledbetter's house across by the well and over to my house.

With respect to this automobile the automobile is approximately where it was that night, just about.

On this picture this is the street light right here and the car was parked between the well and the street light and the well on the other side of this car and he drove just below, about ten or twelve steps from the well toward this here, not out in the street but just a little, out towards the street from the well. The well is on the other side of the car and there was kind of a little bottom there, not exactly even with the walk leading in the Courthouse but it was right out in here somewhere, not so far out but just a little ways out.

Re-Cross Examination.

There is a little drain there where water usually stands when it rains and the contour of the land right there drains off down to in front of Mrs. Cox' house. That is not out in the street. It is not exactly even with the sidewalk but the little drain is out this way and it leads out this way too. It graduates after it leaves the edge of the sidewalk but the drain is kind-of sloped out this way, I think, into the street a little bit. The main flow of the well comes down here and here is a picture, that concrete thing there, where the overflow is where the water goes down in. Now, this part of the land there doesn't go out and extend beyond that concrete thing but just a little. I would say about two feet anyway, about two feet, two

or three feet. If it extended any distance at all, it couldn't be more than the distance between counsel and me.

As near as I could say, this car is standing about where the car was standing that night. The car was headed in just like it is there at just about that angle. It was at almost an angle like that. It was not horizontal with the wall but it was just parked in. It was not exactly straight. It was almost like that. The car in this picture is parked as near as it could be parkekd at the angle the car was parked that night, in my opinion. I think it is parked just as it was parked that night. I couldn't judge how far the car was from the concrete tank there because there was a shadow from the car to the well. I could see the people moving about on the other side. The light was high enough for me to see them.

This light in front of the hotel cast a shadow over the people and, of course, right beyond the car, and you could see them, but the shadow from the light that reflected on the car went on beyond the people or some rather but not enough that I couldn't tell. These men were not in the shadow of the car all the time. They were moving about all over the ground out there, over the entire radius of the shadow and out past the car some times.

I couldn't tell how many I saw moving out past the car. I didn't stay there so long and see everything but while I was standing there I could see several people moving about, but I couldn't tell who they were. I saw them move out of the shadow and move back in the shadow.

In my best judgment I didn't stand at the door and window together over five minutes. I closed the front door and went to the window. In the two times I didn't stand there over five minutes, not over five minutes all told. I then went back to my bedroom. This is the front bedroom and this is my bedroom here on the picture. It was back of this front bedroom. I was in this other bed-

room. My living room is as long as from where I am over yonder (indicating). Then I turned to the right to enter another bedroom going in this direction and I was sleeping in the bedroom to the rear of that one. I do not know what size the bedroom is that I first entered after I left the bedroom. It was about the size of the section those people are sitting in. The next bedroom in which I slept was just a little bit larger than that. The bed in which I slept in this room was opposite the door adjoining the next room. It was located like this and the other bed-room was like this (indicating). The bed was not across the room. It was right at the door.

I closed my front door when I went in, in fact closed all the doors and windows and after I got into my bedroom I could still hear the licks, even after I put my head under the cover.

It is between 50 and 75 yards from my house over to the point where I saw these people. That is my best judgment. That is the distance from the steps of my house to where I saw them at the well. I would say it is between 50 and 75 yards.

Mrs. Cox lives in this house right here (indicating on photograph). She is the Postmistress at Newton. She lives in the house right next to the post office, that is north of the post office. This picture shows the home where I lived at that time, also the post office, the well and Mrs. Ida Mae Cox' home.

Re-Direct Examination.

I would say Mr. Ledbetter's porch was closer to this automobile than mine.

175 MISS ANNIE ELLIS, 20th witness sworn in behalf of the Government, testified on being *recalled* on

Re-Direct Examination.

I am the one who testified here yesterday. This Government picture No. 6 was made from my bedroom window facing the jail. This is the jail and this picture is made from my bedroom window. That is where I was the night this occurred. This is the window from which I was looking and saw the things I testified about. I was there this morning when these pictures were made. A man can be seen here at this point.

This picture, Government No. 2, was taken from my front bedroom facing the Court-house and this is the location where the car was parked. I could see from that point to the car. I can see through here. There is a man standing there in this picture which was made there this morning.

On January 30th when this happened there was no foliage on these trees and bushes and things. In other words, in January and February, this was more open than it is now and it was no trouble to see through there. This was also cut back and it has grown two or three feet, but even without cutting it back the foliage was nothing like as heavy.

Re-Cross Examination.

I do not know the names of the shrubbery around the front of my home. I know there are some nandinas and verbinas and arborvitaes. I also know there is some pittosporum in the front but not in here (indicating on picture). I do not have any pittosporum to the rear of my home and not any between my room and the jail. There

is pittosporum on the front. I do not know the names of the other shrubbery. I do have two kinds of evergreen shrubbery in the front of my home, directly in front. That kind of shrubbery does not extend on down my coping.

This is my front bedroom window which we do not use, I mean do not use that room, as shown in Defendant's Exhibit No. 10. This shrubbery here is along the porch, that is the side of the porch, but it doesn't extend out over three feet around the coping of the porch. This was not the window that I was looking out of that night.

This Defendant's Exhibit No. 13 does not show the same window—O yes it is the same window just shown me in another photograph. That is the same window only taken at a different angle and a different distance, but we do not use that window. I cannot say what kind of shrubbery this is right in here. It is not evergreen. That there is an arborvitae, which is an evergreen. That is out in the corner of the yard. It does not obstruct any view from the house. This is not the corner of the yard between the jail corner and my house. This corner goes down to the front of the building and you see the jail sets back here. This is the front of the building. You see, this is the coping around the yard. This is the east side of my room or the side next to the jailhouse. That is the front part of the house but you see our bedroom extends on farther back and this doesn't have anything to do with our bedroom. Our bedroom is back here (indicating on picture). Our bedroom comes off in an "L" next to the jail. That is the east side of my home. This shrubbery over here is not between the jail and the "L" of our home. It is out this way. There is a distance between the shrubbery. It is out in front of the building-like, a distance, I don't know. Mr. Short knows as much about it as I do.

Mr. Short, if I may now, this is the picture that is taken with the view from my bedroom and not here, because you are standing behind the shrubbery. You see how

plain the view is from my bedroom to the jail. This picture was taken on the front and the shrubbery is on the front but not between my room and the jail. It is only in the front of the yard. This picture was taken just outside of the window of my bedroom and right in here is where I saw what little I said I saw. What I saw I saw from right in here.

Re-Direct Examination.

On Defendant's Exhibit 13, this is my room back here which extends out, as Mr. Short says, on the east side, but back of this shrubbery; and there is some distance between the front and back of the house. I had a plain view of the jail as this shrubbery is all in the front part of the yard. The window I saw out of is back here and the view from that point to the front of the jail is clear.

Defendant's Exhibit No. 8 here shows my home and over here is the jail. My room is back here and I could see straight across here with a clear view.

Government rests.

(In the Court's Chambers.)

Mr. Hager:

Your Honor, we have a motion for a directed verdict on both counts of the indictment as to all defendants and we have reduced it to writing and Mr. Kemp will read it:

178 DEFENDANTS' MOTION FOR DIRECTED VERDICT.

The defendants move the Court for a directed verdict because:

(a) The government has failed to carry the burden in said case and has failed to prove the allegations of said indictment and has failed to prove the allegations of either count of said indictment;

(b) The evidence is insufficient to form any issue for the jury to determine;

(c) The evidence fails to prove any offense or offense cognizable in this Court and fails to prove any offense or offenses of which this Court has jurisdiction.

(d) The evidence fails to prove any crime against the laws or statutes of the United States.

(e) The evidence fails to prove any act or acts which constitute a violation of any statute of the United States.

(f) There is a fatal variance between the allegations of Count Two (2) of said indictment and the evidence introduced, for that there is no proof that the defendants acted under any law, color of law, statute, ordinance, regulation or custom of the State of Georgia, County of Baker, or Municipality of Newton.

(g) The evidence fails to prove that the defendants deprived Robert Hall of any right, privilege or immunity granted or secured to said Robert Hall by the 14th Amendment of the Constitution of the United States.

(h) There is a fatal variance between the allegations of Count 3 of said indictment and the evidence, for that the evidence fails to show or prove that the defendants conspired among themselves or with anyone else to violate any statute or law of the United States.

(i) The evidence is insufficient to prove that the defendants conspired among themselves or with anyone else to violate any statute or law of the United States.

(j) The evidence fails to prove that the state or any sub-division thereof ever sanctioned the act or acts of the defendants in taking the life of Robert Hall.

(k) The evidence fails to prove that Robert Hall was subjected to different punishments, pains or penalties by reason his color or race, than is prescribed for the punishment of citizens.

The Court:

All right, the motion is overruled.

Mr. Hager:

Your Honor will allow me an exception.

The Court:

Yes.

(Returning to the Courtroom.)

180 MR. M. CLAUD SCREWS, one of the Defendants and 1st witness sworn in behalf of Defendants, testified on

Direct Examination.

I do not think I have been sworn. (Witness sworn)
My name is Claud Screws. I hold the official position of Sheriff of Baker County. This is the seventh year I have been Sheriff of Baker County.

On the 29th day of January 1943 I held a warrant for the arrest of one Bobby Hall. He was charged with stealing a truck tire. I am acquainted with Mr. T. A. Riley. He is Justice of the Peace of that district. I do not recall the number of it exactly. I have seen his signature and I think I am familiar with his signature. I also think I know Mr. George Durham's signature. The top of this warrant exhibited to me bears the signature of George Durham and, in my opinion, this signature is that of T. A. Riley.

Mr. Riley does not fill out all of his warrants. I fill out some of them. I do not know who filled out this one or I am not sure. I might have filled it out but I do not recall.

I am familiar with this book here. That is T. A. Riley's criminal docket. Since the Welfare Office has been in Mr. Riley's office, the Justice of Peace's office, this book has been laying on my desk, in my office. I have made some entries in this book.

On page 1 of this docket it looks very much like I made that entry. I can't see too good but it looks very much like it.

I think this is my writing on page 6. I think that is mine. To the best of my judgment, I put this entry on page 19 of the criminal docket of the Justice of the Peace. My best judgment is I put this entry in the book up here on page 55. I am not positive about that. I do not think I made the entry on the lower half of the page.

This is my writing on page 76, I think. I think that is mine. On page 77 it appears to be mine too; page 82 appears to be mine and page 83 the same thing. I really do not know whose signature this is here where it says "dismissed".

The entry on page 84 appears to be mine.

It was a custom for me to make these entries for Mr. Riley. During the last year or two I have had working

in my office a secretary, Miss Edna Fisk and as deputies I have had Mr. Roy Salter and P. G. Wilson. Mr. Salter has, I am sure, made some entries in the book too.

The Welfare Department occupies Mr. Riley's office now in the Courthouse. They have been occupying his office ever since we have had a Welfare Department. I do not know how long that has been. I have no idea how long that has been. It has been longer than a year or two. I would say Judge Riley lives a mile from the city limits and a couple of miles from the Court-house.

I received this warrant some time a little after first dark, in the early part of the evening because I had been out in the country and came back. I had been out in the country that afternoon. I went down to Mr. H. T. Rentz, County Commissioner of Baker County, and arrested a darkey down at his place between sundown and dark and it was some little bit after I got back to town, some little bit after dark; and pretty soon after I got back I received this warrant for the arrest of Bobby. But I was doing some work in the office, I did not get to go serve it. Around between 11:00 and 12:00 o'clock Mr. Kelley and Mr. Durham, Mr. Jones, was in my office. I told Mr. Jones I had a warrant for the arrest of Bobby Hall and asked him if he would go and arrest him and take my car and asked Bob Kelley would he go with him. They said they would and immediately they left to go get him.

About 30 minutes, I guess, after they left I walks out to the well to get me a drink of water. They drove up to the well and I asked them, I believe I asked them, I said "Did you get him?" or I saw him in the back seat. I asked them "Did you get him" or Frank said "Here's your man" or something. I do not recall just exactly what words was spoke right then. I walked around and I tried to turn the door on the left side of the car and it seemed to be hard to open or locked or something; so, I walked around on the right-hand side of the car, walked around back of

the car and opened the door. I opened the door and I said "All right, Bobby, get out" and I noticed he wasn't in any hurry to get out but when he, when I did see him come out, I saw something coming out ahead of him like that (indicating) and I discovered it was a gun; and he said "You damn white sons"—and that is all I remember what he said. By that time I knocked the gun up like that and the gun fired off right over my head; and when it did he was on the ground by then and me and Kelley and Jones ran into him and we all were scuffling and I was beating him about the face and head with my fist. I knew Jones had a black-jack and I told him to hit him and he hit him a lick or two and he didn't seem to weaken and I said "Hit him again." When he fell to the ground, we didn't hit him on the ground.

I told Jones and Kelley to take him up and let's carry him to the jail. They took him up and I walked on ahead of them on into the Courthouse into the office. The hall goes right by my office door, got the key and they went and put him in jail. I didn't go any further than my office. They came back to the office and I asked them, I said "What sort of shape is he in?" Jones, I believe it was or one of them, said "Well, he is in bad shape." I said, "Well, I had better call the hospital and get an ambulance sent down here for him." I went to the phone and I called Dr. J. M. Barnett or the hospital one. I do not remember which I called first but I called both of them and I told Dr. J. M. Barnett to treat the patient and send me the bill, sent him on to the hospital and told the hospital to send the ambulance down there for him, which they did.

At no time when I saw the deceased or Bobby Hall did he have any handcuffs on him. I would be afraid to say how long it was before he was beaten to where he quit resisting us or quit trying to assault me because in a time like that you would be a poor judge of time, I think.

I imagine Bobby Hall weighed 175 or 180 pounds, maybe more. I wouldn't know how old he was because you can't tell about a darkey's age much. He was a young negro though. As to whether he was an able-bodied man, there wasn't a thing in the world wrong with him as far as I know. I have been knowing him all his life.

Cross Examination.

I am not sure, colonel, whether I wrote the body of this warrant exhibited to me or not. I do not recall whether I did or not. I do not know my handwriting too good because I can't see but very little through this (witness using magnifying glass). As to why I can recognize Judge Riley's signature and Durham's, it is wrote right smart larger than the body of that warrant.

I do not remember whether I did or did not tell Mr. Crawford and Mr. Calhoun of the FBI that I did not know who wrote this warrant. I do not recall as I told them that I did not write it. I just don't remember. They got a written statement from me.

I told counsel that I probably did make the entry on page 75, that it looked kind-of like it. The writing on this warrant doesn't look larger to me than the writing that made the entry in this book. I do not know as I could see it better with better light. I just wouldn't know.

I did not identify this entry on this Justice of Peace's docket on page 75 as the docket entry of this warrant. I did not do that. I do not recall which pages I was identifying here a while ago because counsel was turning the pages. I do not know whether the entry of this Bobby Hall warrant here on page 77 was what I was talking about. I do not recall whether I seen the entry on the Bobby Hall warrant. I do not remember seeing Bobby Hall entry on there. I see it now. I probably did make

that entry. It is probably my entry. I wouldn't say positive.

I testified a while ago that I had made a number of entries in this docket for the Justice of the Peace. I certainly do not recall ever telling Mr. Calhoun and Mr. Crawford of the FBI, when they interviewed me and had these docket sheets and this warrant and were talking to me about them, that I had never made an entry in the docket, or anything like that. If I told them that, I do not remember it. As to there being any reason why I should not remember it, like everybody else I do not remember everything. I knew at the time they were talking to me that this Bobby Hall killing was under investigation. They talked to me about it. As a matter of fact, I was the first man they talked to about it, so they said. They talked to me several different times. They talked so much until I couldn't keep up with all of it to tell you the truth. I say that if I made that statement I do not recall it.

I won't be positive neither way as to whether I wrote this warrant. My mind has not changed about it since I heard the handwriting expert this morning.

I had known Bobby Hall ever since he had been grown. Judge Riley lives down the highway No. 91 towards Colquitt. I sure do not know who owns the place that he lives on. I guess it is Willie Hall, the father of Bobby Hall. I do not know, as a matter of fact, that Will Hall furnishes him a place to live, a place for Judge Riley. I do not know that.

As to Bobby Hall being a mechanic, I saw him with mechanics' clothes and working on automobiles. He never did do any for me. I have never seen him work on tractors. He worked in another man's place of business there. Right at that particular time I think he had a place where he carried on his business. He was in and out there.

He had just moved from his home, I think, down there where he had been a mechanic.

He had been born and raised there around Newton, all except some time he lived over in Colquitt, I mean in Miller County, which is 20 or 30 miles from Newton. I think it is true that he had lived in Baker County for the past several years.

I said I got this warrant some time after dark. I did not say I got the warrant about dark, I said some time after dark. The reason I didn't go and serve it when I got it was because I was working on some tax in the office—the tax receiver, I have all of the delinquent tax in my office and I was working on that at that time. I started to work on the tax books shortly after I came back from out in the country.

As to the emergency that I decided to have Bobby Hall arrested about midnight, that was the first time I had had time. As to whether I thought he would be out of pocket the next morning, colonel, my custom is down there when I get a warrant to serve it. It don't lie in my office. I believe anybody in the county will tell you that. I was fixing to serve this one. I had it served.

I walked out in town a time or two that night. I think I went to Joe White's filling station. The best I remember I think I did. I think I also went over to Johnny West's place. I do not recall whether Kelley and Jones and I went over there together or not. We met up over there. That was around 9:00 o'clock, I imagine, probably between 9:00 and 10:00, about 9:00 or 10:00 o'clock, something like that. It was not from there that I sent Jones and Kelley on out for Bobby. We three did not leave there together. They went out ahead of me. I do not know where they went. I did not say anything to Jones at that time about serving this warrant. I did not ask Kelley anything about helping me or helping Jones serve it at that time.

There was no emergency about the service of this particular warrant that I know of. When I left Johnny West's place I went back to the office. I did not take a drink over there. That is a bar-room, Johnny West's place is but you do not have to drink because you go in there. I did not take a drink in there. There was a little dancing going on in the back-end. I didn't hear no pistol. I haven't heard no pistol over there. There was a jook organ going and I am sort of hard of hearing anyway, possibly a gun fired but I didn't hear it. That room is not so large.

I do not recall Johnny West telling me I had better go on home and had better not try to go out and arrest anybody. I say he did not tell me that. I remember that he didn't tell me that. If me and Johnny talked any I do not recall it and if we had airy conversation at all I do not recall it. I did not see Frank Jones and Jim Bob Kelley drink any in there.

Explaining the purpose of our visit there, the three of us there at that place at 9:00 or 10:00 o'clock at night, the jook organ was just playing and I walked around there, didn't especially have any business.

According to my best judgment it was about 10:00 o'clock probably when I left there. I wouldn't say exactly but maybe some time between 9:00 and 10:00. I do not know exactly how long at that time I had had the warrant in my possession. I would say two hours at least. I would say around two hours when I could have served it if I had had time. I had been in the office working of the time. I think I went to Joe White's before I went to the office the best I remember. Then, I went from my office to Johnny West's. I went out by the well to Johnny West's.

About my feelings toward this negro in connection with his efforts to get the pistol, I did not feel hard towards him a bit, colonel. I did not have any ill feeling towards him because I had hoped him out of several tights, paid a fine over here at Moultrie to the Sheriff

about a year ago; paid it with my own money and he paid me back a dollar or two at a time. He paid me back. I got the Sheriff to settle the trouble just for the costs over there.

I got a letter from Mr. Robert Culpepper about the pistol or I think I remember getting a letter the day that this occurred or the day before, something like that. At that time I had already been called before the grand-jury about this pistol.

It was around 12:00 o'clock, the best I remember—I wouldn't be positive—when I sent Jones and Kelley out there, 12:00 o'clock at night. I do not know why Jones and Kelley happened to come over to my office at that time, except just saw the light in there. Well, Kelley was talking to me, I had a little piece of property over there not far from where he lived and he was wanting to see me about buying some property. That was around 12:00 o'clock at night. He had said something to me about it before that time. He had been talking to me some time prior to that. We did not discuss that at Johnny West's or if we did I do not remember.

I would say Jones and Kelley were gone 20 or 30 minutes before they brought this boy back, though I am not sure, would not be positive. When they rolled up there, Kelley and Jones were in the front seat and Bobby Hall on the back. I saw the shotgun and when I saw it, he was coming out of the door with it.

My car is a Mercury, a four door sedan, closed car, four-door sedan. As to what happened there at the well at that time, they drove up and I went to open the door on the left and for some reason it wouldn't come open; so I walked right around behind the car on the right-hand side of the car and opened the right-hand door and told Bobby, I said "All right, Bobby get out" and I noticed he was just a little bit slow about getting out; and torectly (directly) I saw the shotgun barrel come out ahead. At

that time Jones had walked around sort of behind me. I do not recall whether Kelley had got out of the car then or not, I just do not recall. I did not see where the negro got the shot gun from. When I saw it, it was coming out ahead of him. I was standing right there at the car door sort of behind the door. I just sort-of opened the door and stepped behind it. I grabbed the gun as soon as I discovered it. The barrel of the shotgun was the first thing I saw. It came out ahead. I did not have a blackjack that night. I never owned one in my life. I do not ever recall owning one in my life. I did not have a pistol. I did not even have my pistol. It was in the office. I sure didn't have my pistol that night. It was in the office.

Like I said before, colonel, I would be afraid to say exactly how long that thing lasted out there, not very long. I do not know. It was kind of a busy time with me. There were three white men there and one negro, three strapping men.

I deputized Kelley to go out there. I asked him to go.

About process or warrant to take or keep Bobby Hall's pistol the only thing I had was the order that the Judge gave me, Judge of the Superior Court. He issued only an oral order in that case. He told me orally. He told me in his chambers in Camilla on Monday after the pistol was taken from Bobby on Saturday night. Now, as to the dates, I do not remember. It was on Monday after it was taken on Saturday night. I sure don't remember about when that was, some time in December, but I don't remember what time.

I took a defendant to Camilla for him to plead guilty before the Judge and he entered his plea and I talked to the Judge there in his chambers. The Judge told me—I told him I said “Now I know these darkeys are a little inclined to be biggety” and one thing and another and I

said I want to explain to you just how it happened. The Judge told me to keep it until he sent an order for it. He told me that in Camilla in his chambers. I don't think there was anybody else present. I think the Clerk and the defendant had just stepped out of the door.

I did not go down to Camilla a few days ago and talk to the Judge about this situation, about this order business. I have not talked to the Judge anywhere. I was in his presence probably when he was talked to, in the Judge's presence. Bob Short was who the Judge was talking to in my presence. I do not recall when that was but it was one day last week, I believe.

Q. Now, as a matter of fact, didn't Judge Crowe tell you—

Judge Crowe did not tell me or my counsel or both of us that he never made any such order or gave me any such order as I referred to, last week. He did not. Judge Crowe did not tell me that. He says to my attorney and I was standing in their presence, he said, "Well, I wouldn't want you to put me on the stand." He said "I wouldn't want you to put me on the stand but I do remember several different occasions of discussing the same matter with the Sheriff but I would not recall whether it was this time or the other time or which time it was." When we talked with Judge Crowe about this Bobby Hall pistol last week, Judge Crowe did not tell me and my counsel that he had never given me any order or said anything to me about this Bobby Hall pistol.

This conversation took place right out here in Albany, coming from the Court-house. He was coming from the Court-house over there to where the street runs by them hotels. I do not know what the name of the street is. The Judge was talking to Mr. Short in that conversation in my presence and Mr. Short was asking him about having

him subpoenaed to testify about this particular case; and he said "Well, I had rather not get on the stand." He said "I do remember a number of times that I discussed things like that with the Sheriff but I wouldn't know positively." I am talking about the Bobby Hall pistol. But the Judge said "I wouldn't know positively which time it was."

The Judge did not tell me that he had no recollection of ever giving an order to me in this case. He did not say that. He didn't say that he did give me one. He said "I remember giving you them sort of orders time after time but I don't remember who it was or when it was" or words to that effect.

When I was down at Joe White's filling station, I saw Cal Hall, Jr. I think I had a conversation with him. I think probably the best I remember I did have a conversation with Cal Hall, Jr. I do not know as I remember what I talked to him about.

Re-Direct Examination.

I never have made a statement to anybody that the damn negro had lived long enough.

191 MR. R. L. HALL, 2nd witness sworn in behalf
of the Defendants, testified on

Direct Examination.

My name is R. L. Hall. I am acquainted with Mr. M. C. Screws, the sheriff of Baker County. I recall the time or occasion that Bobby Hall was killed down at Newton. Between 9:00 and 10:00 o'clock that night or some time during the night I saw the Sheriff at my home. He came there to get me to help him go arrest a negro. I did

not go with him because I had some hands working to my house fixing a fire place.

I observed the Sheriff's condition at that time. He just came to the house and asked me would I go help him arrest a negro, this Hall negro you are talking about, and so far as his condition he looked as normal as I have ever seen him. He got near enough to me for me to smell his breath if he had had liquor on his breath and I did not smell any.

Cross Examination.

It was around 10:00 or maybe a little after 10:00 at night when the Sheriff came out there. I live in Newton in the town there.

I know Mr. Edwards and Hot-Shot Bailey. I think they were in jail there at Newton at the time this killing took place, waiting to be carried off to serve their sentences, and they were later taken away. I think they were carried first to Reidsville and then transferred to Cedartown. There is a camp up there in Cedartown.

I did not make a trip up to Cedartown and get these two boys out of the chain-gang. I didn't get them out. I got them out and paid their fine, it is true. I went up to Cedartown. Off handed I couldn't tell you when that was, with the exception of one thing. I know it was the same time we had just gotten through on the farm breaking up land and that's the reason I went up to see them.

I remember when the grand-jury met in Macon. I couldn't recall but it might have been immediately prior to the meeting of the grand-jury when I went and got them. The District Attorney's office in Macon did not have process in the Warden's hands at Cedartown to bring these two men to Macon as witnesses at the time I got them. The Warden up there certainly did not tell

me that he had process to send them to Macon as witnesses.

I do not know how far it is from Newton up to Cedar-town. I can tell about how far it is. I am sort of half-way guessing but it is about 275 miles—not 300 but about 270 miles. I made about a 500-mile drive for these boys when I went up there to get them. I can explain the details why I went up there if counsel would like to know.

The Sheriff and I are friends, I think. There had not been any grand-jury subpoenas scattered around Newton when I went up there, I don't think. I am positive they had. I could possibly be wrong but I am positive that there hadn't been any subpoenas in Newton at the time I went up there. Before I went up there I went to the Prison Commissioner's office to get permission to go see them and they can tell you. Mr. Mann could tell you when I was up there and you all know when you issued the subpoenas.

Re-Direct Examination.

I told the District Attorney when he was questioning me a while ago that I could tell him the details of why I made this trip. The reason I went there was because Hoke Edwards, one of the boys in the penitentiary, is the son of my overseer out on the farm, and so he is the one that asked me to try to get him out and pay his fine and he would pay me, would return the money in the fall. So, we had gotten through laying-by land and that's the reason I knew the approximate time of year I went up there. So I knew if he would come back to work on the farm, which his father thought he would, I had a hand at that time that I could put with him and I went up there to check, to see if I paid his fine if he would come back to work and if he didn't I could use this other hand as well as this other boy up there; and I worked both boys when

I paid their fine. In fact, as every farmer knows, labor is short. I certainly would have paid his fine in the first instance if Judge Crowe had permitted it. That's the reason I did not in the first instance, is that Judge Crowe would not permit it.

Re-Cross Examination.

Some one went with me on this trip, M. W. Irwin and nobody else. Hoke Edwards and his wife are living with me now on my place. Burke and his wife, Burke worked for me, I reckon, a month and a half but they are not there now.

I did not bring the Edwards and Bailey boys back from Cedartown. I do not know who actually brought them back when they were released. I paid their fine up there. As to why I didn't get them then, I didn't pay it the same day I went up there. In fact, it was a good bit, a little bit after that when I paid the fine. I paid the fine in Newton.

Frankly, after the District Attorney has mentioned their names, I think it was Mr. Wilkinson and Mr. Salter who went and got these boys. Salter is a Deputy Sheriff or was at that time. I do not know whether Wilkinson was a Deputy Sheriff or not. They were actually brought back to Newton by the Deputy Sheriff or by two Deputy Sheriffs if Wilkinson is one. I did not pay for the trip up there.

195 MRS. CLYDE EDWARDS, 3rd witness sworn
in behalf of Defendants, testified on

Direct Examination.

I have not been sworn. (Witness sworn.) My name is Mrs. Clyde Edwards.

I was present at a time when Mrs. Joe White visited the hospital here in Albany and came back to the filling

station and made some statement with reference to Mr. Claud Screws, who was then in the hospital with his eyes. I heard what she said. They were asking me how Mr. Screws was and I told them as near as I could what kind of condition he was in and I was telling them how sorry I was for Mr. Screws; and she said—Can I tell what she said? She said “She wasn’t sorry for the son-of-a-bitch at all”, that she “didn’t want to see him blind but she would enjoy seeing him a corpse.

Cross Examination.

I had been up to see the Sheriff at the hospital that same day.

Re-Direct Examination.

I did not say she had been to see the Sheriff. I had been.

MR. HARRY McGAHEE, 4th witness sworn in behalf of the Defendants, testified on

Direct Examination.

My name is Harry McGahee. I am acquainted with Sheriff Screws. I am acquainted also with Mrs. Joe White. I recall about the time the Sheriff got his eyes hurt. I have heard Mrs. White make some statement with reference to the Sheriff since that time.

I was at the service station or drove up there about five minutes after they carried the sheriff to the hospital and she drove up, had come from Albany, and she asked what the excitement was about and I told her the sheriff had just gotten shot and she said “Well, I hate that I wasn’t

here to have seen that", said "I have been wanting to see something like that a long time and I had to be out of town at the time when that happened." And I spoke about a puddle of blood down there and she said I am going to drive down there and look at that.

Cross Examination.

I live in Newton. I work turpentine, manager of turpentine place there for the J. B. Davis Company. There was somebody else present there. Mr. Purd Odom's wife was present. She was with Mrs. Durham or Mrs. White. What I have related was practically all that was said at that time. There was nothing mentioned in that same conversation about how the Sheriff killed Bobby Hall. She did not mention Bobby Hall at all then.

196 MR. EDGAR CROSBY, 5th witness sworn in
 . behalf of the Defendants, testified on

Direct Examination.

I live right in the middle of Newton I call it and the filling station I operate is just across the street from me. I would say the filling station is about 60 yards from the Courthouse. You go down state road 91 or 37, they both join and come together, you go south down that highway from the Courthouse to my service station. If you left the well or the Courthouse going to my filling station you would go south. If you went to Mr. Ellis' home from the well or from the Courthouse you would go north, wouldn't you, go north in the opposite direction that you would go if you were going to my service or filling station.

I recall the occasion when Bobby Hall was killed there in Newton near the artesian well. I had been hunting

that night. I went down back of the warehouses. Down back of the warehouse there is a swamp. You can go as far as you want to up that swamp. I didn't go but about a mile.

In December I will have been living in Newton seven years. I am familiar with the street lights in Newton. I said I remembered the night that Bobby Hall got killed and that night, I remember, I went hunting. Coming back from hunting I came up kind-of by the jail there, come by the post office and by the jail. The street light out in front of the post office was not burning that night. The reason I recall I went in after my mail and happened to have my flashlight in my pocket and I turned it on to get up the steps.

When I left the post office I went by the well and got me a drink of water. I then went in the rest-room in the Court-house, which is right next door to the Sheriff's office. There was somebody in the Sheriff's office at that time. I saw a light on in there when I went in and when I come out I went in and talked with him. He was by himself. I would say that was about 11:30, somewhere about 11:30. As to observing his condition, he was working on his books, that is all. I didn't stay there but just a few minutes. I did not smell any whiskey there on the sheriff when I went in the office and talked to him.

Cross Examination.

I had not had a drink. I go hunting four or five times a week and hardly ever touch any whiskey.

198 MR. FRANK JONES, one of the defendants,
and 6th defense witness, sworn, testified on

Direct Examination.

By Mr. Short:

Q. Is your name Frank Jones?

A. Yes, sir.

Q. Mr. Jones, I want to ask you just one question and that in rebuttal to testimony brought out this morning by Mr. Willingham: Did you hear the statement made by Mr. Willingham relative to having had a conversation with you?

Q. Did you hear the statement of Willingham this morning?

A. I did.

Q. Was the statement made by him true or untrue?

A. Untrue.

Mr. Davis:

Come down sir.

199 MR. M. A. McRAINEY, 8th witness sworn in
behalf of defendants, testified on

Direct Examination.

My name is M. A. McRaine. I am acquainted with Sheriff M. C. Screws. I have known him about thirty-five years. I am engaged in the farming and turpentine business.

Q. Are you acquainted with and do you know the general reputation and character of Sheriff Screws in the community in which he lives for truth and veracity?

A. I do.

Q. Is it good or bad?

A. It is good.

(No cross examination.)

MR. L. A. ETHRIDGE, 9th witness sworn in behalf of the defendants, testified on

Direct Examination.

My name is L. A. Ethridge. I have been sworn. If I live to next February it will be 68 years I have lived in Baker County. I am acquainted with Mr. M. C. Screws, the sheriff of the county. I have known him ever since before he was grown, I suppose 20 or 25 years.

Q. Do you know his general reputation and character in the community in which he lives for truth and veracity?

A. Good.

Q. You do know it and it is good?

A. Yes, sir.

Cross Examination.

Q. Is that all you are undertaking to testify about, Mr. Witness?

A. I understood him to inquire about his character and veracity.

200 MR. DAVID JONES, 10th witness sworn in behalf of the defendants, testified on

Direct Examination.

My name is David Jones. I live in the Western part of Baker County. I am in the farming and merchandising business. I have resided in Baker County since the winter of 1901. I am acquainted with Mr. Claud Screws, the Sheriff of the County. I have been acquainted with him,

I reckon so far as I remember, about 15 or 20 years, something like that.

Q. Are you familiar with his general reputation and character for truth and veracity in the community in which he lives?

A. I think so.

Q. Is it good or bad?

A. Good.

MR. CLARENCE BRYAN, 11th witness sworn in behalf of defendants, testified on

Direct Examination.

I have been sworn. My name is Clarence Bryan. I live in Baker County. I have lived in Baker County ten years. I am acquainted with Mr. Claud Screws. I am engaged in the farming and mercantile business. I have known Mr. Claud Screws ten or twelve years.

Q. Do you know his general reputation and character in the community in which he lives for truth and veracity?

A. I think so.

Q. Is it good or bad?

A. Good.

MR. J. B. HALL, 12th witness sworn in behalf of the defendants, testified on

Direct Examination.

My name is J. B. Hall. I live in Newton. I have lived in Newton or Baker County all my life. My business is

that of a merchant and farmer. I live in the City of Newton. I know Mr. Claud Screws, the Sheriff of Baker County. I have known him all my life.

Q. Do you know his general reputation in the community in which he lives for truth and veracity?

A. Yes, sir.

Q. Is it good or bad?

A. Good.

201 MR. A. L. BUSH, 13th witness sworn in behalf of the defendants, testified on

Direct Examination.

My name is A. L. Bush. I live in Baker County. I have been sworn. I have lived in Baker County all my life. I am farmer and Tax Receiver of Baker County. I know Mr. M. Claude Screws, the Sheriff of the county. I would say I have known him about 20 years.

Q. Do you know his general reputation and character in the community in which he lives for truth and veracity?

A: Yes, sir.

Q. Is it good or bad?

A. Good.

MR. L. D. LAWRENCE, 14th witness sworn in behalf of defendants, testified on

Direct Examination.

My name is L. D. Lawrence. I have not been sworn. (Witness sworn.) I live in Baker County. I have lived

in Baker County about 37 years, I am acquainted with Mr. M. Claud Screws, the Sheriff of the County. I would say I have known him 20 years, about that.

Q. Do you know his general reputation and character in the community in which he lives for truth and veracity?

A. I would say it is good.

Q. Do you know it?

A. Yes.

Q. And you would say it was good?

A. Yes, sir.

MR. MORGE MANSFIELD, 15th witness sworn in behalf of defendants, testified on

Direct Examination.

I have been sworn. My name is Morge Mansfield. I live on the Pineville Plantation, Baker County. I have lived there right about 15 years. I look after the farm interests there. I am acquainted with Mr. Claud Screws, the Sheriff of the County.

Q. Do you know his general reputation and character in the community in which he lives for truth and veracity?

A. Yes.

Q. Is it good or bad?

A. Good.

203 JUDGE CARL CROWE, 38th witness sworn in behalf of the Government, called in rebuttal, testified on

Direct Examination.

I am Judge Carl Crowe. My official position is Judge of the Superior Courts, Albany Circuit. Baker County

is within my judicial circuit. January 1st will be three years that I have been on the bench.

I am, of course, acquainted with Sheriff Claud Screws of Baker County.

Q. I want to ask you, Judge, whether at any time in December 1942 you gave Sheriff Screws an order to hold a pistol that belonged to a negro Bobby Hall of Baker County?

A. I would say no and explain to you why I say that. Last week one of defendants' counsel and the defendant asked me with reference to an order to hold a pistol belonging to a negro named Bobby Hall. I told them that I had no recollection of having any conversation, much less issuing any order. I have no recollection of any conversation with reference to a pistol and Bobby Hall. My answer is that I did not issue any such order either oral or written. Mr. Screws said in that conversation that it was the same day that a man named Huckaby pleaded guilty. I told him I remembered Huckaby, remember the conversation because the indictment against Huckaby was obtained when I was Solicitor-General and I was disqualified, but he waived the disqualification. I remember the conversation with Huckaby and about the sentence of him, his plea and everything, but I told them that I had no recollection of having any conversation whatsoever with reference to Bobby Hall then or at any other time.

I never had any conversation with the Sheriff with reference to Bobby Hall that I have any recollection of whatsoever.

Cross Examination.

I do not recall that Mr. Short, when he approached me with reference to the Bobby Hall matter, told me that he would probably want to use me as a witness. I assumed

from the conversation that probably that is what it was but I do not recall his stating that.

Q. I also asked you if you had any recollection as to whether or not you had instructed the Sheriff not to deliver the pistol to Bobby Hall and wasn't your answer this, Judge, "Bob, I do not have any definite recollection as to this particular case"?

A. I have no independent recollection.

Q. Or independent recollection?

A. That's right.

Q. "That I have no independent recollection of this particular case"?

A. That's right.

Q. "But I have on a number of occasions instructed the Sheriff not to deliver pistols"?

A. I gave two instances in which the matter of pistol had been talked to me, two instances, one with the sheriff—no, one with a man who came to see me with reference to a pistol and one when the sheriff saw me about a month ago or something like that.

Q. Didn't you say, Judge, that you were not in position to say that you did not tell the Sheriff not to deliver it but you just had no definite recollection?

A. I said I did not have any recollection. Probably I did make that statement.

Q. Well, you said something to the effect that probably you had instructed him?

A. No, I did not say that probably I instructed him to that effect. I said I had no recollection about having instructed him to that effect at all.

Q. No independent recollection?

A. That's right.

Q. As a matter of fact, you could have done it, since you have all of these matters coming before you and you pay no particular attention to it, couldn't you Judge?

A. I wouldn't say that, Mr. Short.

Q. You wouldn't say you could have done it and not remember it?

A. No, I wouldn't say. Looks like to me I might have had some recollection in view of the fact that I remember all about the Huckaby business and if it was at the same time as that looks like I would have some kind of recollection of it.

Q. It seems to you that you would have some kind of recollection?

A. Yes, sir, in view of what subsequently did happen at least.

Re-Direct Examination.

Q. But you do know, Judge, that you did not issue any order to the Sheriff about Bobby Hall's pistol?

A. Yes, sir, as I have stated.

The Court:

Very well, anything else?

Mr. Davis:

That is all.

The Court:

Both sides close? . . . Well, let me see counsel then for a minute or two. Gentlemen of the jury, you will just remain in the box, if you please.

(In the Court's Chambers.)

Mr. Hager:

I want to renew the motion that I made yesterday on all the grounds.

The Court:

All right, that will be sufficient, won't it? I think the District Attorney would agree that is sufficient without undertaking to make a point on it.

Mr. Hager:

I renew it on all the grounds at the conclusion of the case and ask for an exception.

The Court:

Yes, the motion is Overruled and your exception is noted.

(Returning to the Courtroom.)

Mr. Davis:

If Your Honor please, the Government waives the opening argument and reserves the conclusion.

The following documentary evidence was introduced by the Government:

1. Letter from Robert Culpepper, Jr., Attorney at Law, Camilla, Georgia to the defendant M. Claud Screws, dated January 28, 1943, and reading as follows:

Bobby Hall was over to see me with reference to regaining possession of a 38 Colt Automatic Pistol which the nightwatchman at Newton turned over to you to keep.

Since there are no charges against Bobby and the pistol was in his car, I presume that you intend to give it back to Bobby. If this is not true and you have any reason for holding it please advise me.

It is possible that I will come to Newton tomorrow and I will see you about this at such time.

2. Warrant purporting to be signed by T. A. Riley as N. P. and ex-Officio J. P., reading as follows:

State Warrant,
Georgia, Baker, County.

Personally came George Durham who on oath says to be the best of his knowledge and belief Bobb Hall did on the 29 day of Jan. in the year 1943 in the county aforesaid commit the offense of Stealing truck tire of a Firestone make and this deponent makes this affidavit that a warrant may issue for arrest.

GEORGE DURHAM.

Sworn to and subscribed before me, this 29—Jan. 1943.

T. A. RILEY,

N. P. and ex-Officio J. P.

Georgia, Baker County.

To any Sheriff, Deputy Sheriff, Coroner, Constable or Marshal of said County—Greeting:

George Durham makes oath before me that on the 29 day of Jan. in the year of 1943, in the county aforesaid Bobb Hall did commit the offense of stealing truck tire of a Firestone make,

You Are Therefore Commanded, to arrest the body of the party accused and bring the same before me, or some other judicial officer of this State, to be dealt with as the law directs.