

A No sir.

Q Was any statement that was made in your presence and the presence of others made freely and voluntarily upon the part of these defendants?

A Absolutely, yes sir.

Q On the Sunday morning that the statement was made in the quarters on the fourth floor of the jail, was that statement taken down in writing?

A Yes sir.

Q Have you read the statement since that time or heard it read?

A No sir.

Q Would you know the statement if you heard it again?

A Yes sir.

(Witness excused)

J.T. WILLIAMS, having previously been duly sworn, being called on behalf of the State, testified as follows:

DIRECT EXAMINATION

BY MR. MAIRE:

Q Mr. Williams where did you live on the 13th day of May and the week following?

A Boynton, Palm Beach County, Florida.

Q Do you know this defendant, Izell Chambers, now on trial?

A Yes sir.

Q Do you know Charley Davis, Jack Williamson and Walter Woodard?

A Yes sir.

Q Have you had any occasion to talk to Izell Chambers, this defendant, and Charley Davis, Jack Williamson and Walter

Woodard in the presence of this defendant?

A Yes sir.

Q Subsequent to the 13th day of May, 1933?

A Yes sir.

Q When was the first time you talked to him Mr. Williams?

A On Monday afternoon on the 15th.

Q Was a statement made at that time with reference to the death of Mr. Darcey?

A No sir.

Q Did you talk to them throughout the following week?

A Practically, yes sir. As much as I could stay awake.

Q Were you present on Saturday night commencing May 20th, 1933 and also present Sunday morning, May 21, 1933, when the statement was made?

A Yes sir.

Q Were all the defendants present at that time?

A On Sunday morning, yes sir.

Q Was anybody else present?

A Yes sir.

Q Do you know the other gentlemen that were present?

A Most of them yes sir.

Q Name the ones that you know?

A Sheriff Clark, Mr. Goodrich, Mr. Helton, Mr. Marshall, Mr. Ford, Mr. Johnson, Mr. McNeil, the prosecuting attorney, Mr. Coleman and myself.

Q On Sunday morning, May 21, 1933, and at any time the whole week prior to that time, that you and anyone else were present talking to either Izell Chambers, this defendant, or Charley Davis, Jack Williamson or Walter Woodard, in his presence, did you or anyone at any time ever make any promise or offer any

inducement in order to get them to talk?

A No sir.

Q At any time that week and under the same circumstances did you or anyone else threaten them or use any acts of violence or any coercive measures of any nature to induce them to talk?

A No sir.

Q Was any statement made in your presence made by these defendants freely and voluntarily?

A Yes sir.

Q Was the statement that was taken down in writing on Sunday May 21st, 1933 taken down in shorthand and later transcribed?

A Yes sir.

Q Would you recognize that statement if you had it read in your presence?

A Yes sir.

Q Have you read it yourself since that time or had it read to you since that time?

A No sir.

Q That is all for the present.

(Witness temporarily excused)

J.W. COLEMAN, having first been duly sworn, being called on behalf of the State, testified as follows:

DIRECT EXAMINATION

BY MR. MAIRE:

Q Mr. Coleman, what is your official position with this Court?

A Official Court Reporter.

Q As official court reporter were you present on the morning

of Sunday, May 21st, 1933, when the defendants Izell Chambers and Charley Davis, Jack Williamson and Walter Woodard were also present?

A Yes sir.

Q Do you know whether or not B.B. Johnson, W.F. Ford, W.C. Goodrich, Walter R. Clark, R.C. Helton, A.D. Marshall, E.H. McNeil, J.T. Williams and Louis F. Maire were also present?

A Yes sir. They were.

Q Was a statement made by Izell Chambers himself and by Charley Davis, Jack Williamson and Walter Woodard in the presence of Izell Chambers at that time?

A Yes sir.

Q Did you or did anyone in your presence at that time make any promise or offer any inducement in order to get any one of the four defendants there present to talk?

A No sir.

Q At that time did you or did anyone in your presence make any threats, use any violence or any coercive measures of any nature in order to get any of the defendants to make a statement?

A No sir.

Q Were the statements that were made at that time by Izell Chambers or the other defendants in his presence made freely and voluntarily?

A Yes sir.

Q Did you take the statements down in shorthand?

A Yes sir.

Q Did you later transcribe or write the statements out on the typewriter?

A Yes sir.

Q Can you identify this as the statement that was prepared by you at that time?

A Yes sir. That is it.

(Witness excused)

MR. MAIRE:

May it please the Court I want to read the statement. Later on I will want each of the witnesses by whom I have predicated the right to introduce the statement to testify whether it is a true and correct statement, and to save time if counsel for the defendant will permit, I would like for B.B. Johnson, W.F. Ford, W.C. Goodrich, Walter R. Clark, R.C. Helton, A.D. Marshall, J.T. Williams, to all be where they can hear the reading of the statement. Is there any objection, Mr. Griffis?

MR. GRIFFIS:

No objection.

MR. MAIRE:

I tender this statement in evidence at this time.

THE COURT:

Has this statement been properly identified by the court reporter as taken by him in shorthand and transcribed from his notes? Mr. Coleman, is this the statement taken down in shorthand at the alleged making of the statement by these defendants and transcribed from your original notes?

A Yes sir.

Q Transcribed from your original notes taken at the time the alleged confessions were made?

A Yes sir.

Q And this transcribed paper is true and correct, a true and correct copy of the notes taken at that time?

A Yes sir.

MR. GRIFFIS:

No objection.

THE COURT:

Let it be marked and filed in evidence as Plaintiff's Evidentiary Exhibit 1.

MR. GRIFFIS:

I will at this time object to any part of the statement other than that statement made by the defendant Izell Chambers upon the ground that any statement that may have been made by the other parties involved are merely extrajudicial statements, that is they are made out of court, not under oath, and not properly admissible in evidence against this defendant. In other words, he does not have the right here to have the witnesses face to face and the right to cross examine them, which right he should have. We have no right to object to statements properly obtained and identified in evidence so far as statements made by Izell Chambers, but statements made by others we do at this time object on the grounds stated.

MR. MAIRE:

To which the State respectfully insists to the Court that the statements made by all of the other three defendants are admissible by reason of having been made in the presence of the defendant Izell Chambers, statements made in the presence of a defendant under the law of Florida being admissible in evidence, if for no other purpose, to show an admission by silence, or to corroborate whatever statements were made in the presence of the defendant. This whole statement is admissible.

MR. GRIFFIS: _____

If the Court please, the testimony leading up to the admission of this paper in evidence has shown that these questions were propounded by the State Attorney, and I am convinced that under the circumstances that silence could not be construed as an admission of the correctness of those statements as made. We all know that as far as these negroes sitting there were concerned that that examination had all the formality of a court trial. They were sitting there and Mr. Maire was asking questions. I don't think that they would have dared to have objected to anything any more than when they are sitting here listening to a witness on the stand. Under these circumstances they knew that they would be in contempt of court if they should make any statement while another is testifying. In view of these circumstances while admitting that the general rule is true, I don't see that in this case, in view of the circumstances in view of the parties who were doing the questioning, known to be an officer of the law and officers of the court, I don't think that that statement should be admitted in evidence upon the grounds of admission because under the circumstances they would not in any likelihood have objected.

THE COURT:

May I inquire at this time whether or not the statement to which you refer has been introduced in evidence as State's Evidentiary Exhibit No. 1; is that correct?

MR. GRIFFIS:

Yes sir.

Q All of the other statements made therein were made in the presence of this defendant, Izell Chambers?

MR. MAIRE: Yes sir.

THE COURT:

I will accept your statement for it.

MR. MAIRE:

If the Court would put the other three defendants up as court witnesses I would ask them.

THE COURT:

We haven't reached that stage yet. The court will rule on that at that stage of the trial. The objection to the admission will be overruled and the statements will be admitted to the jury for them to draw such inferences as they may find from them.

MR. GRIFFIS:

Will an exception be noted on behalf of the defendant.

THE COURT:

Exception will be noted on behalf of the defendant, Isell Chambers.

Thereupon the State Attorney read the statements before the jury, which said statements are in words and figures as follows:

TESTIMONY OF JACK WILLIAMSON,
IZELL CHAMBERS, WALTER WOODARD, AND
CHARLEY DAVIS TAKEN IN THE PRESENCE
OF B.B. JOHNSON, W.F. FORD, W.C. GOODRICH,
WALTER R. CLARK, R.C. BELTON, A.D. MARSHALL,
H.E. McNEAL, J.T. WILLIAMS, LOUIS F. MAIRE
and J.W. COLEMAN, Court Reporter, ON
SUNDAY MAY 21, 1933 at 8:30 o'clock A.M.

MR. MAIRE:

Q Your name is Jack what?

A Williamson.

Q Jack Williamson?

A Yes sir.

Q Jack, do you want to make a statement about a case involving
the robbery of Mr. Darcey at Pompano on Saturday, May 13th, 1933?

A Yes sir.

Q Has anybody mistreated you in any way to induce you to talk,
anybody beat you or hit you or anything like that?

A No sir.

Q Has anybody promised you any reward or anything at all to get
you to talk?

A No sir.

Q You want to make a statement just to tell the truth about it in the
presence of all these men?

A Yes sir.

Q And your name is Izell Chambers?

A Yes sir.

Q Do you want to tell about the case involving the holdup of
Mr. Darcey at Pompano on Saturday May 13th, 1933?

A Yes sir.

Q What you are going to say you are going to say it because you
want to say it and not because anybody has beat you or abused or hurt
you or anything?

A No sir. They haven't.

Q In order to get you to make a statement has anybody promised you anything, any reward or favor?

A No sir.

Q Nobody has mistreated you, beaten you or abused you in order to induce you to make a statement?

A No sir.

Q And whatever statement you make you are making it of your own free will and accord, voluntarily and of your own free will?

A Yes sir.

Q Your name is Walter Woodard?

A Yes sir.

Q Do you want to tell about this occasion too when Mr. Darcey was robbed on Saturday night May 13 at Pompano?

A Yes sir.

Q Has anybody promised you any reward or anything to get you to talk?

A No sir.

Q You just want to talk because you want to tell the truth about it?

A Yes sir.

Q Charley Davis, do you want to make a statement and tell what you know about the hold up of Mr. Darcey at Pompano on May 13, 1933?

A Yes sir.

Q Has anybody beat you or forced you in any way to make the statement you are about to make?

A No sir. They have not.

Q In order to induce you to make a statement has anybody promised you any reward or anything to get you to do it?

A No sir.

Q You want to make a statement freely and voluntarily, of your own will?

A Yes sir.

Q And tell the truth about it?

A Yes sir.

The following questions were asked of and answers given by

JACK WILLIAMSON:

QUESTIONS BY MR. MAIRE:

Q Jack, go ahead and start right at the beginning and tell about whether you boys got together, if you did get together, what you planned and what you said if anything?

A About three weeks ago we left to go to Brown's bean farm, to work, pick beans, do day labor, and we left -- Izell and Walter Stayed, never left, -- and what they stayed for was to stay to hold this man up, to take what he had. They had been watching him for a long time to take his money. They stated, said, "We will be there Saturday or Sunday. You boys go ahead" and sure enough Sunday they come and they said they made the trip but they couldn't make the trip like they wanted to, they said they hadn't pulled it yet. They said they would go back; and Saturday evening I went down town about 4 o'clock, last Saturday evening, and I come back to the house about 6, and I turned around and went back to town, and them boys left ahead of me, and I locked up the house and went down town behind them boys, and I went one way and they went another and while I was down town I met them on the street, and we met up together. We talked there for a few minutes, and we turned around and started up the street apiece further, and we met Kid --

Q Wait a minute, Kid is who?

A Charley Davis, -- and we met him up there and so this boy here --

Q What's his name?

A Izell, -- called Charley off and talked with him and when they come back they said they will get it, and I turned around, -- I already had this stick walking with it --

Q That stick you got in your hand there?

A Yes, And of course I wasn't looking for nothing like that at the time; and so we all come back up there together and Kid went to one corner, and Walter walked around to get on the side Kid was on and I was standing on the Dixie right in front of the place and when this man got right in front of Kid, Kid here hit him and the man fell.

Q Where were you when that happened?

A I was standing in ten feet of him.

Q What happened then?

A When the man fell Kid struck him again and jumped on him and jumped and run.

Q Who jumped and run?

A Charley, -- made the search and jumped and run and Walter run up then and made his search, and whistled and run, and Walter run on down there behind him, and Walter fell down; and this boy Izell run another way, and I run another way. We met up down there and met Walter. When we did Kid whirled around and said "I will see you boys in the morning," and the next morning Walter and this boy here's (Izell's) brother, Claude, they got up Sunday morning and went down there, and this boy stayed at the house (Referring to Izell).

Q Where did you get that stick you have in your hand?

A I got it there at the house, I cut it.

Q Did you chop it yourself?

A Yes sir, I chopped it way last week. I didn't chop it to hurt nobody with. I just chopped it to walk with.

Q Did you leave the other pieces that that has been chopped out of, the whole piece?

A Yes sir.

Q Did you boys first talk this over at the ball diamond at Pompano?

A No sir. I don't even know where the ball diamond is at Pompano.

Q About what time of night was it that the holdup and robbery took place if you know?

A Well as near as I can come at it it was between 9:30 and 10 o'clock, about 10 o'clock.

Q At night?

A Yes sir.

Q Nobody hit the old man except Charley Davis?

A Yes sir, that is all.

Q But you boys were all right close at hand?

A Yes sir.

Q That is you and Walter and Izell?

A Yes sir.

Q You all had talked this thing over before then?

A Yes sir.

Q Planned it as much as a week or two ahead?

A No sir. I tell you the way that come in. I come up with the boys at the time I met up with them and we made it up on the street, but they had been laying for the man sometime before that.

Q Did you know they had been laying for him before then?

A Yes sir.

Q Did you talk to them about it before then?

A Yes sir; they talked to one another in my presence.

Q Did you ever see any money that they got off the old man?

A No sir.

Q Haven't seen any yet?

A No sir.

- Q Do you know what the old man was hit with?
- A He was hit with a stick.
- Q What stick?
- A That stick over there (indicating a stick held by "Kid", Charley Davis).
- Q Is that the only stick he was hit with?
- A Yes sir.
- Q Did you ever make a statement that anybody else hit him?
- A Yes sir. I said that this here fellow, Walter, he had a hammer, and he went up there and it looked like to me he hit him or if he didn't hit him he struck at him with the hammer; he struck at him if he didn't hit him.
- Q How do you account for the fact that there is some blood on that stick you got in your hand?
- A Well, I threw the stick down, I reckon it might have splattered on it. I run right by him and all of us threw our sticks down there.
- Q When you first talked about getting some money off of Mr. Darcey, what was the nature of the plot, just to hold him up and rob him, to get his money?
- A Yes sir. Walter said he had good money on him, said he had noticed him, said he had been there to buy stuff, fish from him, and said he pulled out a long sack. He couldn't see good, couldn't tell how much it was, but he said he got some old bills there.
- Q Did you have anybody there watching for you?
- A No sir.
- Q Just waited together to see when the old man left his business?
- A Yes sir.
- Q Do you know where the Ford garage in Pompano is?
- A Yes sir.
- Q Was it along by there that this thing happened?

A Yes sir.

Q Was Charley Davis hiding along there by the side of the Ford garage or a vacant lot?

A Yes sir.

Q What side of the Ford garage was he hiding on, North or South side?

A He was on the side towards Palm Beach.

Q Do you know whether that is the North or South side?

A No sir, I don't.

Q You don't know what direction Palm Beach is from Pompano?

A Yes sir. It is North.

Q Now, you say that you and Izell and Walter were about ten feet from him when that happened?

A Yes sir, Walter come up behind him -- when he hit the man and searched the man Walter he run up and searched him, and the other boys run off.

Q How close were you when he hit the man?

A I was about ten feet from him.

Q Where were you at that time?

A I was on the street there at the gas tank.

Q Were you standing sort of behind the gas tank?

A Yes sir.

Q Where was Izell standing?

A Izell come up the street behind this man; he walked on past the man.

Q Where was Walter?

A Walter went around the building and come up behind this fellow Charley; he went around the building and come up behind him.

Q Did Izell give any signal or whistle that he was coming?

A Yes sir.

Q You say he was walking beside Mr. Darcey?

A Yes sir.

Q Now after Mr. Darcey was hit and you stated that Charley Davis took the money off of him, or something, and that Walter also went up there to take something off of him, what did the four of you then do?

A Izell run one way and I run another and Walter run behind Charley. Walter run down there and fell down and I went on down there.

Q Which way did the boys run after this happened?

A Well, towards the city jail.

Q I thought you said they all went in different directions?

A Yes sir. I run one way and Izell run the other and these other two run towards the city jail, but we all connected later.

Q Now did all four of you get together very shortly after this happened?

A Yes sir, about six or eight minutes.

Q After you got through running?

A Yes sir.

Q But you all ran in the same general direction, but just took separate courses, is that it?

A Yes sir.

Q Now after you got together, what did you talk about and what did you do then?

A When we got together this fellow Charley went walking off and said "I will see you in the morning about that"; I don't know what he was talking about.

Q You heard him say that?

A Yes sir.

Q What did you stop there for?

A We asked them, "Where is the money boys?" and Charley said he

didn't have any and Walter said he didn't get any.

Q They both said they didn't get any?

A Yes sir, and Charley said, "You boys come down to the house in the morning, and we will straighten it."

Q Well, if he didn't get any money what did you think there was to straighten it?

A I don't know.

Q Is that all you had to do with it and all you know about it?

A That is all. Soon Sunday morning Walter and this boy's brother got up and went back down there to Charley's --

Q Wait a minute, which boy's brother?

A This boy's brother, Izell's brother, Claudie.

Q Did he know what had happened?

A Yes sir. We all told him.

Q You all told him?

A Yes sir.

Q Who told him?

A We told him.

Q That was at the house in Pompano?

A Yes sir.

Q Where was that?

A At Mr. Blount's quarters.

Q Do you know why Claudie went with Walter to go anywhere?

A No sir, he just got him up; we were all sleeping there.

Q That was Sunday morning?

A Yes sir.

Q That wasn't you and Walter that went over there?

A No sir, it was Claudie.

Q Did you ever go over to his home and try to find Charley?

A No sir.

Q Do you know whether Izell did or not?

A No sir. I don't think Izell did because they come and catch us Sunday night.

Q You never did get to talk to Charley anything about dividing up the money?

A No sir.

Q Do you know when Charley was put in jail?

A No sir. I don't. When I seen him they turned him in that cell I was in when I come down there.

Q When was that?

A Monday.

Q Did you have any way of knowing or hearing where Charley was or where he went Saturday night, whether he was arrested Saturday night or not?

A No sir.

Q Now you say you only saw one blow struck?

A Yes sir.

Q One blow struck?

A Yes sir.

Q As far as what you know, you yourself only saw Mr. Darcey hit once is that true?

A That boy (Charley Davis, "Kid") hit him twice.

Q The stick that he has in his hand now is broke, do you know how and when it was broken?

A I think it broke the second lick he hit him with it.

Q Did Mr. Darcey say anything that you know of after he was hit?

A No sir, I didn't hear him if he said anything.

The following questions were asked of and answers given by

IZELL CHAMBERS:

Q Your name is Izell Chambers?

A Yes sir.

Q You just heard the statement that Jack made?

A Yes sir, I heard it.

Q Now you go ahead and tell in your own way just what the occasion was, the way you want to tell it?

A Well, the way that it was, why Walter here come up town by himself. I come up town by myself. I met up with Walter on the streets.

Q Did you bring anything with you when you come to town?

A Yes sir, I had this stick walking with it when I come up to town.

Q Did you and Walter leave together to go to town?

A No sir.

Q Do you know whether Walter had anything when he went to town?

A Yes sir, he had something.

Q What did he have?

A He had a hammer in his pocket.

Q Have you seen that hammer he has got in his hand?

A Yes sir. I have seen the hammer.

Q Is that the hammer?

A Yes sir, that is the hammer.

Q Where did you meet Jack and Walter and Charley after you got to town?

A Up there on the corner between that filling station up there and the Ford service.

Q Had you four boys discussed or planned or plotted anything about holding up and robbing Mr. Darcey before that time?

A Well, Walter he spoke about the money that this man had. He wasn't talking about it before he went to the Lake. Me and Walter talked about it after he come from the lake.

Q Where and when did the four of you first discuss and plan this robbery, on the Saturday that it actually happened; you talked it over sometime during the day didn't you?

A When was that? Where were we? I met Walter and Kid up there on the street.

Q Well, now, Kid is Charley?

A Yes sir, - that is Charley, -- I met him on the street, and he said "Boys, we are going out tonight", said, "You come on and go with us." I asked them where was they going --

Q Was Jack there?

A Yes sir, he was there. I asked them where was they going, and he said "We are going out."

Q Anybody see them besides you boys?

A No sir. Us four. They said "We are going out to the garage," and I said "I am going down there with you boys," and Kid said, "I got a stick hid out behind this garage, and will get him when he goes by." I was standing beyond the little white building below the garage, and when this man got to the corner Kid hit the man, and he hit him two licks and when he did the man fell.

Q Now Kid is Charley Davis?

A Yes sir, Charley, -- and the man fell, and I saw Walter go in his pocket, I just saw Kid run.

Q Where were you when Mr. Darcey was struck by Charley?

A Standing there just beyond that little white building there.

Q Right on the Dixie Highway?

A Yes sir, on the street there.

Q Where were you when Mr. Darcey left his fish market that night?

A I was up there on the corner.

Q Did you see him leave the market?

A No sir, I didn't see him leave the market.

We walked on back down on the street.

Q Did you follow Mr. Darcey at any time?

A No sir, I was ahead of him.

Q Did you whistle or signal in order to let the other boys know he was coming?

A No sir. They saw him. Jack was standing on the street and he saw the man coming.

Q Did you have your stick in your hand then?

A Yes sir, and Walter was standing right at that little truck there between the cars.

Q You say he was standing there at his truck?

A No sir. There was a truck standing there and he was standing by that truck.

Q That was a worn-out car or what we call a junked car?

A Yes sir.

Q Now where was Walter when Mr. Darcey was hit by Charley Davis?

A He was standing there. Kid told him, said, "Now when I hit him you grab him just like that," and he was standing right there at that car when he hit him.

Q Where was Jack?

A Jack was standing up the street there against that tank.

Q As soon as Charley Davis or Kid struck Mr. Darcey that first blow what did the rest of you three boys then do?

A Well, Walter he went on up there.

Q He was the second one to get to him?

A He searched the man.

Q Searched him, Mr. Darcey?

A Yes sir.

Q What were you and Jack doing up there at that time?

A When this boy searched him and the man fell, I went down the street, at the White store there, and went on after Walter.

Q Didn't you boys run away somewhere after that?

A No sir.

Q You didn't run after Mr. Darcey was hit and supposed to have been robbed?

A No sir, I ran across over there on the railroad and went on down the railroad on down to White's store down there.

Q White's store?

A Yes sir.

Q Do you know where the jail is in Pompano?

A Yes sir. City jail.

Q Did you go in that direction?

A No sir. I didn't go in that direction.

Q Did you go on in another direction?

A Yes sir, I met this boy here and this boy (referring to Jack Williamson and Walter Woodard) in the quarters. I run up on them over there at a man's house they call Buster Wright.

Q Is it your statement that after Charley Davis hit Mr. Darcey and Walter came up also and helped rob him, that you went away by yourself, and you didn't see any of these boys until later on in the quarters?

A I didn't see none but this boy Walter and Jack; I didn't see Kid until I met him in jail.

Q Well, now, you heard what Jack said, didn't you?

A Yes sir.

Q Well he said you all went somewhere and got together somewhere?

A Me and him (Jack) and Walter met up. This boy (Charley) went on to his house where he stayed at and I didn't see him no more until in jail.

Q Didn't Charley tell you he would see you at his house later?

A No sir, he hadn't told us that; we come on out there to a man's car, and Walter spoke and said, "Well, we made a blank." I said, "How?" He said, "Me and Walter didn't get no money at all."

Q Where was that statement made?

A That was that night right there in the quarters.

Q Do you know how much money he got or any of them got off of Mr. Darcey?

A No sir. Sure don't.

Q Did Walter make any statement to you about how much they got?

A He told me that Kid, "Kid," he said "got the sack and locked in it," and said that Kid told him there wasn't but \$1.30 in there, and he (Walter) said there was -- told him there was something wrong; there was more money in there than that.

Q You just stood there while Kid or Charley hit the man?

A Yes sir, I just stood there until Walter and them got the money and I run on down the railroad.

Q Did you hit the old man yourself?

A No sir, I did not hit him.

Q The stick that you got in your hand, is there any blood on it.

Do you know how that blood got on there?

A No sir. I sure don't, because I didn't hit him.

Q Did you leave the stick there when you ran away?

A No sir. I didn't leave the stick there.

Q What did you do with the stick?

A I threw it down on the street or the railroad.

Q They didn't find that stick in your house?

A No sir, they didn't find it at this boy's house where I was at.

Q Do you know anybody named Charley Johnson?

A Walter and Izell. They kept persuading and begging me, and I come back home Thursday, and they come back Friday, and I comes out with Mr. George Blount to count some stumps for him and when I goes back they was on the porch talking --

Q At your house?

A Yes sir, at Walter Woodard's house; I stayed with him, and they was setting there on the porch talking and I go over there and both of them still setting on the porch, and I commence to cutting some wood, and there was a stick laying out there and some of them spoke and said "Cut that stick there, Jack." That was Friday evening when I was cutting the stove wood, and I cut the stick and throw it down there and I never give it a second thought right then; I never heard the plot that they were making right there at that time, but I heard it later. I come on back then and set on the porch and they persuade with me to help them, to go with them Saturday evening; so I don't say nothing, but I goes to town Saturday evening to get some stuff and as I was coming back home I met these boys going to town, and Izell Chambers had that brown stick there laying on top there walking with it and so Izell said, "Jack, hurry back down here and let's play the piano there at the jouk," and I told him "All right," and I goes on home and got there and eats supper and mess around a few minutes and goes through the yard and picks up that stick and walks on back to town down on the street there.

Q You mean the big stick?

A Yes sir, big stick sticking out there, still not thinking these boys were going to do this or meant what they said, and so I goes on back down there and meets Walter and Izell on the street and we stood up there and talked a few minutes and

Walter called Izell off and by that time night had come along and they told me -- Izell called Kid and talked with him, and Kid turned around and come back and said "Yes, we will get it," and Walter spoke and said "The best place to go is at the Ford service" and I spoke and said "Well, I will walk on up there, up that way and look at you boys; I aint going to have nothing to do with it," and I walked on up in front of the place and Izell walked up ahead in front of the place, and Walter and Kid went around the North side of the building and I stood up in front of the building, behind the gas tank, on the drive way of the Dixie and I stood up there about eight or ten feet I thought, in my estimation, I aint never measured it, I don't know; so I stood up there, and pretty quick the man was coming up the street and Izell told Kid, "There he comes now, boys" and Izell was on this side next to Kid; I was standing off by myself, and Izell said "There he comes now, boys," and by that time the man was coming, and Kid hit him, and I was standing over on the road, near the front of the door across from the door of the building, and Kid hit him and the man was falling and Kid hit him again, and Kid jumped on him, and I looked and Walter was there and Kid run off and Walter run behind Kid, and I saw Walter fall down, and tumble like, and jump up and keep running, and I vanished around the left hand side of the building, and Izell was with me, and we run up behind the jail and run up on Kid and Kid run off, said "I will see you boys in the morning," and next morning Walter and Claude goes up there and I never had any talk with them Sunday at all. I went to the quarters. That is all I got to say. I ask the mercy of the court because I was persuaded and have never been in no trouble nor in court before ~~at all; never had a case before.~~

CROSS EXAMINATION

BY MR. GRIFFIS:

Q You say you didn't intend to have anything to do with it?

A No sir.

Q What were you doing with that great big stick walking along the street; do you usually walk along with sticks like that?

A I just cut it to walk with.

Q This is the stick you cut on Friday afternoon?

A Yes sir.

Q This is the stick here?

A Yes sir.

Q The boys told you to cut it?

A Yes sir.

Q You went down town with this in your hands?

A Yes sir. I started to cut it for stove wood but I didn't.

Q Which one of you boys was the first to tell the officers about this?

A Yes sir.

Q Who was it?

A Me.

Q You were the first one that told the officers about it?

A Yes sir. I am the man that told it, absolutely. I didn't know enough about it hardly to finish telling it, because I was afraid of these other boys, the boys that got me to do it said that if some more boys from Pompano asked me about it I didn't know nothing about it at all; that was made up that Saturday night before that, and I didn't know anything about it, I told exactly how it was.

Q You don't like it very much because Izell has told all this stuff either do you?