

Q Did they take you out a second time? A Yes, sir.

Q Who took you out the second time? A The same man, Mr. Marshall, the jailer.

Q They carry you to the same room? A Yes, sir.

Q Who was present that time? A The second time I was taken out was Captain J.T. Williams, Mr. Walter Clark, the Sheriff of the jail, and the jailer, Mr. Marshall.

Q Was Mr. Maddox there? A He was there in the night but I don't think he was there the second time.

Q Mr. Bob Clark? A No, sir, I didn't see him.

Q Was anybody there the second time, except Sheriff Walter Clark, J.T. Williams and A.D. Marshall and yourself?

A I don't recall, the second time.

Q Now were you struck or beaten or abused any that time?

A Yes, sir, I was struck.

Q Who did that? A Captain J.T. Williams struck and threatened me, my feet stamped.

Q Tie a rope around your neck the second time? A No, sir, I was threatened with a rope, but not the second time.

Q Was it after the second time they took you out that they sent for me to come there? A After the second time I was moved from downstairs, the second time I was taken out from upstairs I had a rope around my neck.

Q Did anybody do anything to you that time besides either Sheriff Clark or J.T. Williams or Mr. A.D. Marshall?

A Mr. Walter Clark - I don't recall him hitting me.

Q But he was there? A Yes, sir, he was there.

Q Was anybody else there the second time? A The second time I was taken from upstairs, I was changed from up stairs to downstairs, Chief Maddox was there.

A I am talking about Saturday night? A Yes, sir.

Q Did you say there were some other men there then, the second time you were taken out? A The second time I was taken out I was taken out from downstairs there was just the three men present. I was taken out lots of times.

Q Was anybody present when you were taken out any time that night besides these three men and yourself until the time the confession was taken? A Yes, sir.

Q When was that? A Well, after I was taken out the second time from downstairs on the night of the 20th, which was the early part of the night, I don't know what time, but the second time I was brought down, the second time I was taken out from upstairs there was other men present.

Q There were other men present? A Yes, sir.

Q You know about how many men were present?

A No, sir; something like four or five.

Q Did any of these other men do anything to you at that time? A Yes, sir, I was struck a lick or two by them.

Q Struck by some of the other men? A Yes, sir, I was beat by some of them.

Q Did you say whether or not Mr. Maddox was there?

A Yes, sir, he was there when I had the rope around my neck.

Q About what time? A I don't know what time.

Q Was Bob Clark there then? A No, sir, I don't recall seeing him.

Q You hadn't made any confession or any statement of any kind until Saturday night? A No, sir.

Q And yet you claim you had been beat and struck?

A Yes, sir, and under threats, torture and threats.

Q Was your life threatened before that Saturday night?

A Yes, sir.

Q Still didn't make a confession? A No, sir.

Q Did they do anything more that Saturday night to make you confess? A Well I was beat twice that Saturday night.

Q Where were you beat? A I was beat in the same room.

Q I mean upon what part of your body? A I was struck all over the body, on the head and body and even on the feet, because I didn't have any shoes on.

Q What were you struck on the head with? A With a rubber hose, bicycle tire, loaded, and black jack.

Q Did it cut the skin or anything like that?

A It was sore.

Q Did it bleed? A No, I only bled at one place and that's when I was struck on the side.

Q That's when you were struck on the side? A Yes, sir.

Q What did you mean by swearing to this in your petition then: "Captain Williams, a man weighing about two hundred fifty pounds, struck petitioner in the jaw bringing blood from it in profusion"?

A I don't know what you mean because I am not educated.

Q You said you signed the petition and swore to it. That's the paragraph about Walter Woodard; you are Walter Woodard, aren't you? A Yes, sir

Q You don't remember swearing to that?

A I don't say I didn't swear.

Q See if you ever heard this before: "Upon entering the room, therein he saw some eight or nine men. Some had pistols, others black-jacks, clubs and a loaded rubber hose. Your petitioner, Walter Woodard had scarcely seated himself before they began beating on him. Captain Williams, a man weighing about two hundred fifty pounds, struck petitioner in the jaw bringing blood from it in profusion." You ever hear that before?

A Ever hear that before?

Q Yes, you ever hear what I have just read you?

A I don't recall.

Q But you swore to it without hearing it?

A No, sir, I couldn't do that.

Q Is it true or not true? A I was only beat once and brought blood and that was on my side.

Q Then if this petition says Captain Williams struck you on the jaw and brought blood from it in profusion, you are now swearing to the jury that is not true?

A That is not true?

Q Yes. Is it or isn't it? A No, sir. I bled some from the nose.

Q From your jaw? A No, sir.

Q Then that is a mistake, isn't it? A Yes, sir.

Q When were you hit on the side with that club that you just told the jury? A Saturday night.

Q That bled, did it? A Yes, sir.

Q Did it bleed through your clothes? A Yes, sir.

Q Was that before or after you had seen me the first time?

A It was after you left the room.

Q Now, when you were brought into my office, you will remember I asked you if you had been beaten in any way?

Q Your Honor, I don't remember going to your office, I remember your coming into the room where I was.

Q You still contend it wasn't my office, but wherever it was you first saw me, did I ask you whether you had been beaten? A No, sir. You asked Captain Williams where was the boy that was ready to tell us something, that's all I remember.

Q Don't you remember that I asked you whether or not these officers had pounded you in any way to make you talk?

Q Don't you know I told you that if they had - I made them all step out of the room - and I told you this, "now you are just here with me, I am the State's attorney; it is my duty to protect you if you have been treated wrong, if you tell me you have I will have the Judge take you to another jail to protect you"? A No, sir, I don't.

Q You deny I told you that? A Yes, sir.

Q What was the reason that you finally confessed?

A I weakened just like ~~any~~ you or any other human being going under the torture and strain.

Q Didn't you tell the jury the reason you confessed was they told you that Charlie Davis had already told about it?

A No, sir, I told the jury that they told me Jack Williamson, but that didn't make me confess.

Q Is that the reason you confessed, because they told you about Jack? A No, sir.

Q But you said that was the reason?

A I broke down with the mental strain just like any other person.

Q You told this jury that the reason was because Jack Williamson confessed, didn't you? A No, sir, I told you they told me that I had to confess because Jack Williamson had already come across.

Q And it was after they told you that you did confess?

A Yes, sir, a long time after.

Q How long after? A It was along toward day, and it was shortly after you went away from there.

Q Don't you know when you were brought in the room at 6.30 o'clock Sunday morning, when all these men were present, and all these men were there ready to take the statement, didn't I at that time, in the presence of all of them, the police officers and other witnesses, ask whether you had been abused and mistreated? A I don't remember.

Q You remember this: I said "you want to tell about this occasion when Mr. Darcey was clubbed Saturday night, May 13, at Pompano"; you said "yes, sir." I said: "has anybody promised you any reward or anything to get you to talk"? And you said "No, sir". I said: "you just want to talk because you want to tell the truth about it", And you said "Yes, sir." Is that true or untrue? A I guess I said that because I made the confession, but I don't know just what any one said at the time because I never took it down.

Q Did I ask you these questions and did you make those answers? A I don't recall.

Q You are not denying it, are you? A No, sir. I am not denying it.

Q Did you testify the man that wore glasses ~~was~~ that was sitting here this morning, was present when this confession was taken? A Yes, sir.

Q Do you see that man in the court room now? A Yes, sir.

Q Where? A Sitting right over there by the table.

Q You know what his name is? A No, sir.

Q If this man's name is Mr. Charles H. Gordon, are you now swearing that Mr. Charles H. Gordon was present when you made the confession? A That's the man that was present. I don't know his name.

Q This is the man that was present? A Yes, sir.

Q What lawyer represented you when you were tried?

A When I was tried?

Q Well, when you pleaded guilty; did you plead guilty?

A Yes, sir,

Q What lawyer represented you? A I don't know his name.

Q Mr. Mather or Mr. Griffis? A No, sir. Mr. Mather was appointed.

Q But did he represent you? A No, sir.

Q Didn't Judge Tedder appoint him to look after your case? A I didn't know I had a lawyer.

Q Weren't you present in the court room when Judge Tedder did appoint you a lawyer? A No, sir.

MR. CATTS:

The record in this case shows there was no lawyer appointed.

THE COURT:

The record will have to speak for itself, whatever it shows.

Q You remember when Izell Chambers went to trial, don't you? A Yes, sir.

Q You testified in that case, didn't you? A Yes, sir.

Q And you were a State's witness? A Yes, sir.

Q Put up there by me as State attorney? A Yes, sir.

Q You remember Judge Tedder advising you of your rights before you made any statement? A Yes, sir.

Q He did, didn't he? A Yes, sir

Q You testified then and admitted all of your testimony against Izell Chambers practically the same as that put in the

confession? A Well I did it under threats.

Q You weren't threatened in the court room?

A No, I was threatened before I come in the court room.

Q Judge Tedder advised you of your rights? A Yes, sir.

Q Hadn' t Mr. Mather or Mr. Griffis told you that?

A No, sir.

Q Did any lawyer ever talk to you about this case at all?

A Told me to plead guilty, the one what was appointed, ten minutes before I pled guilty.

Q How long was it after this confession was made before Izell Chambers was tried, do you remember? A No, sir, I don't recall.

Q It was several days? A Quite a bit of days, several days.

Q Were you threatened any between this confession and the time you were brought down in the court room? A Yes, sir.

Q Who threatened you? A Captain J.T. Williams.

Q Were you beaten any? A No, sir.

Q When did he threaten you? A Well he come up one day, I think Jack Williamson sent for him, he come in, he and Sheriff Walter Clark, and Izell Chambers and Jack Williamson and myself was taken out and taken into this same room where the confession was taken, and he talked with us one by one that day, around twelve o'clock, and he told me, Jack and Izell just what would be the consequences if we went before the jury and changed our statements.

Q When you testified there in the case against Izell Chambers in open court before Judge Tedder, and told all these facts, nobody was intimidating you or beating you at that time? A No, sir, but they had.

Q Now did your lawyer ever ask you anything about this confession? A No, sir. Q Never did? A No.

Q Did you ever tell your lawyer, or any one that represented to be your lawyer, told you they were your lawyer, that you had been beat and coerced and promised anything to make this confession?

A No, sir, I was never talked to , the only thing he told me, I had about ten minutes talk with him before I was brought back before the Judge, and he instructed me to plead guilty, and get out of the court room as soon as ~~my~~ possible because the sentiment of the people of Broward County was against me.

Q Did he ask you anything about this confession?

A No, sir.

Q You didn't have an opportunity to tell him; is that right? A Yes, sir.

MR. GATTS:

May it please the Court, in this case the record shows Izell Chambers was tried at a date subsequent to the date at which these other defendants entered a plea of guilty, and a date subsequent to which the alleged confessions were made by the petitioners. Move to strike from the consideration of this jury any testimony about anything that happened at the trial of Izell Chambers.

THE COURT: Motion denied. It may not be in issue, but it may be admissible to test the credibility of the witness.

Q Walter, the first time you talked to me in this case about the facts that happened at the time you were arrested until the alleged confession was made, did you at that time tell me about the information that was conveyed to you by the officers about the mob, and that you were caused to run; did you tell me that the first time you ever talked to me about it? A Yes, sir.

Q I believe you said that all of the testimony that you gave in the confession itself was made by you only through fear that you had of Captain Williams and the other officers that were present and what they inflicted upon you? A Yes, sir.

Q Through your fear of further punishment or bodily violence? A Yes, sir.

Q The petition that was read to you, that was drawn up by your lawyer? A Yes, sir.

Q You naturally would sign anything your lawyer said you should sign and swear to? A Yes, sir.



Q You remember reading carefully the petition, or do you now remember what was in the petition at the time you signed it?

A No, sir, I didn't read them, they was read by other parties.

Q Read to you? A Yes, sir.

Q The matters set forth in there are substantially what happened to you? A Yes, sir.

Q Gained by your attorney from information you imparted to him? A Yes, sir

Q Well you did not bleed when you were struck on the jaw, but you did bleed when you were struck in the side? A Yes, sir.

(Short recess)

REDIRECT EXAMINATION

BY MR. CATTS:

Q Did you at any time, other than the one time you have testified to already, talk to Mr. Mather, the man whom you say was representing you in that case? A No, sir, not before or since.

Q In the elevator that time, was the only time you ever talked to him? A The only time.

Q Either before or after the trial? A On the elevator about ten minutes until we got in the court room, we went off the elevator into the jury box in about ten minutes.

Q That's the only time you talked to him?

A Yes, sir.

(Witness excused)

CHARLIE DAVIS, being first duly sworn, testified on behalf of the petitioners as follows:

DIRECT EXAMINATION

BY MR. CATTS:

Q Your name is Charlie Davis? A Yes, sir.

Q You are one of the petitioners in this case, Charlie?

A Yes, sir.

Q Where did you live about May 11, 12 and 13 and 14, 1933?

A In Broward County.

Q In what part of Broward County?

A In a little small place called Pompano.

Q What were you doing in Pompano at the time?

A Well, I was working in a store in the colored section.

Q Do you remember the night, Saturday night, May 13, 1933?

A Yes, sir, I remember it pretty well.

Q You remember being arrested that night?

A Yes, sir, I was arrested about 9.30, between 9.30 and ten o'clock.

Q Where were you arrested? A I was arrested where I was rooming with a lady by the name of Mamie McNeal.

Q Where have you been since the time you were arrested, and that date; been in jail since that time? A Yes, sir.

Q What day of the week was it? A It was Saturday night.

Q Who arrested you? A Chief Maddox of Pompano.

Q Was anybody with him at the time you were arrested?

A There was some people with him, I saw some people but when he arrested me he arrested me right himself.

Q He came into the room where you were? A Yes, sir. I was getting ready to go to bed. I saw a light coming toward the window, the window was half open, and some of the boys said a spook was hanging around there, so I thought some of them was trying to scare me; so when I went to the door he walked in, he come in and looked around a while, so I asked him what did he want, he didn't say nothing; he told me to stand back, so I stood back and he looked around and searched around as long as he wanted to, and he

asked where had I been. At that time I just had left the store and bought some toys. He looked around and went back again into the room, there was two beds, a large bed and a small one. So he told me to come and go with him.

Q Where did he take you? A He took me to the small jail up at Pompano.

Q You say that was around 9 or 9:30?

A Between 9:30 and 10 o'clock.

Q On May 13, 1933? A Yes, sir.

Q Was there any one else in the jail at that time?

A Yes, sir, there was some more people there; I didn't ~~know~~ know many people there, I hadn't been there very long. There was some more in there but I was in a cell by myself.

Q Put in a cell by yourself? A Yes, sir.

Q How long did you stay in Pompano jail?

A Until Sunday morning. I was taken out of the jail Sunday morning by deputy sheriff Bob Clark. I didn't know him at the time; afterwards I knew him as Bob Clark.

Q By yourself? A He took me and a fellow by the name of Carnell Rone.

Q Took you from the Pompano jail to Broward County jail? A Yes, sir. We was handcuffed together, and this boy's father ~~was~~ was in the car ahead of us with a fellow by the name of Goodrich.

Q Bob Clark was the only officer in the car with you?

A He was the only one with us two.

Q Now during the time you were in the Pompano jail did any officer of the law or any other person come in the jail to see you? A Yes, sir, long about 12 o'clock, somewhere around there, I laid down - there wasn't any mattress in the place, it was a steel bunk, it had two bunks in the cell, so I sit on the bunk, I got sleepy and laid down on the steel bunk, so around 1.30, or about that time, I didn't have any timepiece, I feel some one kicking me; so I woke up and turned over, and

when I turned over, a great big large man was standing with his feet crossed, so I went to get up and he asked me some thing - I hadn't woke up good - he asked me something. I told him I didn't know what he was talking about. I was trying to ask him what they arrested me for. So he hauled off and hit me and knocked me clean back under this bunk, and where the steel was it hit my head right up here. He had something in his hand, something about this long (indicating), I couldn't make out what this was because he knocked me out, and when I come ~~to~~, before I could get to myself very good he asked me some more questions, I told him I couldn't answer the questions, I hadn't opened my eyes.

Q Where did your head strike, what did it strike against? A The first time I been in jail at all, I had never looked under where I hit it, whether it was steel or brick, it was one of the two.

Q Where did it hit you? A Hit me right here. I have got a scar right there. Q Scar there now? A Yes, sir.

Q How did he hit you on the back of your head?

A He hit me in front, but my head hit back.

Q You say you were knocked out? A Yes, sir.

Q Knocked completely out? A Yes, sir.

Q You didn't know anything? A I didn't know anything for a while. Q Go ahead and tell what you remember?

A This man, I didn't know who he was, so he asked me some questions, so I told him I couldn't answer the questions, I didn't know what it was all about. He turned to one fellow and says "that's about all you know", and turned and walked out. There was a bunch of them besides him around, a dozen at least. So he turned and walked out the door and he shut the cell door, and after he shut the door they stood and looked at me a while and then go on away.

Q Right there, do you know who that gentleman was that came into the cell where you were and struck you that night?

A I learned his name, he told me his name was Captain

Williams. Q Was anybody else with him that night that you now recognize? A You mean the 13th?

Q That Saturday night when Captain Williams came to you there in the cell and knocked you out? A Yes, sir, there was around a dozen in all.

Q Do you know now who any of these gentlemen were?

A One fellow I learned afterwards was a secretary, a fellow they called him Mack, was a trusty secretary.

Q Was any other officer of the law there at that time; was Chief Maddox there? A I think it was Walter Clark and a fellow that kind of favored him, I think it was him, and Chief Maddox was there.

Q You saw him that night and recognize him now as being one of the gentlemen that were there that night? A Yes, sir.

Q Nothing else happened to you that night after they left? A No, sir, no more than I heard them bringing in several people, they were beating some people, I don't know who they were.

Q Had anybody told you up to this time what you were being arrested for? A No, sir.

Q Go ahead and tell what happened the next morning, if anything did happen? A The next morning was Sunday morning; they took me down about 6.30, the sun was just beginning to get up, they took me down to Fort Lauderdale jail, me and a fellow called Rone and his father. I was in a roadster tied to him and this boy was behind in the car with Mr. Bob Clark; so he had taken me and his father and put us in the same cell of the bull pen, that's where he put us. I had blood on me and I wanted to take a bath, and when I come back all the fellows ask me, some of the fellows in the bull pen ask me when did I come home, they ask me was I with these folks that they kept bringing in and wanted to know from me what happened, the fellows in the bull pen, what they call the kangaroo court. So they went and brought this man, Mr. Rone, this boy's father, and I told them I would rather take the whipping, I thought he was too old for such things. They didn't bother me no more that day.

Q Go ahead and tell the court and jury the first time the officers came to talk to you again? A The next time they came to see me was on Monday afternoon - well that Saturday night, I was arrested on the 13th, I didn't know what had happened until that Monday, when Captain Mr. Wright, I think he was a road patrolman, he came and got me in the bull pen and took me and carried me up on another floor. I think, in fact I know Mr. Marshall got me first and carried me up on the other floor. Mr. Wright came in and got me and brought me down in the kitchen and he talked with me for a while and he asked me where I was Saturday night, and I explained to him as best I could. He told me, he said "don't you know what has happened?" I asked him, I asked him the question what had happened and he told me something, but anyway he told me come go with him, and I went with him down in the sheriff's office on the bottom floor, and a man sitting down there, I don't know the man's name, when I walked in there he he asked some fellow if he knew me, I think Izell Chambers was in the room and Walter Woodward, and there might have been some more in there; so this Mack Little, I never had seen him before in my life and he said "yes, I know him", he had a knot over one eye, he said "yes, I know him", and one of the fellows told him he had been telling stories that were untrue, I don't know when, but he asked me did I know him, and I said "no." He asked me did I know the other fellows, I told him "no", and he took and carried me back up in the cell.

Q Who took you? A Virgil Wright, I think his name is.

Q What officers were present at that hearing; was Captain Williams there at that hearing? A I hadn't seen Captain Williams since the night he beat me until I think it was Tuesday or Wednesday.

Q He wasn't down there that time? A No, I don't remember seeing him. Mr. Walter Clark was in the office then, it was a kind of a stout fellow.

Q Mr. Walter Wright? A Yes, sir.

Q Were you ever mistreated in the jail, other than this first night up there at Pompano? A Mr. J.T. Williams he hit me and kicked me out of the chair one time.

Q When, what day of the week was that? A This was along later in the week, I don't remember the date or the day.

Q Were you kept in the bull pen all that week, or were you put in a private cell? A I was kept in the bull pen a good while.

Q You remember what day they took you out of the bull pen and put you in a cell by yourself? A It was on Monday.

Q Monday? A Yes, sir. Q You were arrested on Saturday? A Yes, sir, Saturday night. On Monday afternoon he told me what had happened, they had arrested so many people about it - I don't know the fellow's name, but I remembered his name afterwards - so he told me there was a man got hurt down there. on Saturday night, I believe he said.

Q Go ahead and tell the court and jury what time it was that you were put in this cell by yourself; was it Monday, or what day? A Yes, sir, it was Monday, I was put in the cell around 11.30 or 12 o'clock.

Q In the day time? A Yes, sir.

Q How long were you kept in the cell by yourself?

A I was kept in there until around one or 1.30, somewhere around there when Mr. Virgil Wright came in and took me out of there.

Q Was that the time he took you down in the kitchen?

A Yes, sir, he took me in the kitchen and talked with me and I explained to him where I had been.

Q When they got through talking to you down there, with this boy who said he knew you, who had a knot over the eye, did they take you back to a cell by yourself? A Yes, sir.

Q And how long were you there that time in a cell by yourself? A I stayed there until that same afternoon when they come and got me and brought me out and carried me back into the bull pen, they took me back in the bull pen.

Q Tell the court and jury the first time that it happened, if you know, when it was that any of them struck you or abused you in Pompano jail? A I don't understand.

Q I mean in the Fort Lauderdale jail? A That Wednesday or Tuesday, Captain Williams and some other officer, I didn't know who it was, but I know Captain Williams, he hit me, and another fellow hit me in the same place, I don't know who the other fellow is that hit me in the same place twice, and him and two or three more fellows came up and got me in the day time and carried me to Pompano.

Q All the people that went with you to Pompano, were they all sheriffs, did they all have guns? A Yes, sir, if I don't make no mistake they all had guns.

Q Did Captain Williams? A Yes, sir, I was double handcuffed to him. Q Did they beat you or strike you at Pompano? A No, sir, they didn't beat me that time.

Q How long did they keep you at Pompano? A He kept me down there about, I reckon about 30 or 45 minutes.

Q Then what did he do with you? A He brought me back.

Q Did he threaten you or do anything to you at Pompano?

A No, sir. Captain Williams told me to wash my clothes.

Q When he brought you back to jail where did he put you?

A Put me in the bull pen/

Q And how long did you stay in the bull pen that time before they took you out again? A They took me out again that night.

Q Where did they take you this time?

A They took me out and questioned me.

Q What room did they take you to? A I think it was the 4th floor of the jail down there in the jailer's quarters, where a bed and radio was at.

Q Who was there that time? A Mr. Marshall, the jailer, Captain Williams, and Mr. Walter Clark was there.

Q Did anybody strike you there or abuse you that time; just tell the court everything? A They asked me some questions



about Jack Williamson and Izell Chambers, asked me did I know them, I told them no I never know them, I never see them before until I see them in jail here. Captain Williams told me I was lying, told me I was telling something untrue. I told him I didn't know anything about these boys at all until I see them in jail. He told me I was going to know something before it was over, so they took me back to the cell. Well I heard them pick out somebody else. Then they took me down to the bull pen, and they took me out again later in the night, the same night, and Mr. Sheriff Walter Clark was standing up there and Captain Williams was sitting up on the table, Mr. Marshall I believe he sat down on the chair. That time Mr. Walter Clark went somewhere back in the corner there for something, anyhow he asked me again did I know these boys and I told him I didn't know any of them, and he knocked me off the chair and kicked me. He told me, he said a mob was after us four negroes, anyhow he said that he would shoot me and make me jump out the window and say I tried to run. He said he was going to give me to the mob if I didn't tell him what he wanted to know. I told him I didn't know anything to tell him. He said I was going to know something before it was over with. I told him I wasn't going to tell anything untrue on myself; I had done nothing; and he give me some licks that hurt me, and he hurt me when he beat me the night before, that's when he told me, he say he hadn't started; he hit me one time with a black jack. That time Mr. Walter Clark came back up there where we was and he laid the gun on the table, and I seen this black jack in his hand, and the gun, I don't know whether that's what he hit me with that Saturday night, but he laid his gun on the table, so he told me, he say I wouldn't be living until some ~~xx~~ length of time if I didn't do what he wanted me to do. So he told the jailer to take me back downstairs, he would see me later, and some one else. The next time they took me out was Thursday, they took me out on Thursday and I see Jack Williamson; I didn't know him at the time. A man asked me didn't I know him, I told him I didn't know him.

It seems like Jack had had some rough treatment when I looked at him, seemed like he had been through something what I had been through. So Jack pointed out me and told him he knowed me. I told him I didn't know anything about Jack, the first time I see him. Well after then Jack, I forget exactly when it was, Jack tried to straighten it out, he told me he told a story, he was scared and frightened and beaten up, he was half insane. He didn't know anything about me.

Q They took you out on Thursday; did they take you out any Friday? A They take me back down to where I was at, I reckon about an hour, and took me back up there again, I think it was the same date if I don't make no mistake as to the time, and they questioned quite bit, they took me and Claudie Mack - I know him because I saw him in jail there - so they asked which one of you boys they call Kid; so Claudie told them they called him Kid sometimes, but Claudie didn't know my name and I didn't know his name at the time, but I been by the bull pen and heard them call him Kid. So he looked at Claudie and he looked at me, he says "one of you Kids I want, I want both of you." So they kept Claudie up there, then the man told them to take him on out, and they kept me up there. At the same time they brought Walter Woodward in, if I don't make no mistake, asked him did he know me - they asked me before he came in, told me what they were going to do, I told them they couldn't do any more than go ahead and kill me, because I couldn't hardly see my head was hurting so bad at the time. They asked Walter did he know me, he said no he didn't know me. They asked me again did I know him, I told them no. I didn't see him no more after I saw him down in the bull pen, where he told me his feet was hurting him, the first time I see him. Captain Williams say "you negroes know something, you going to tell us something," so I told him I didn't have nothing to tell him no more than what I have said. He stopped a while and looked at us and cursed and used bad words and everything, profane

language, and from then on I was taken out, but not like I was Saturday night, I think it was somewhere around the 20th or 21st of May, 1933.

Q What happened to you that night, tell the jury everything that you can remember that happened to you on Saturday night; that's the week following the Saturday on which you were arrested? A That man told me, he took me in there, he told me he says "do you know who I am?" He is a pretty large man. He asked me did I know who he was, I told him no, sir, I never see him before until he come in there that night and beat me up. He stopped me right then and told me not to say that no more. I didn't say it no more either. He says his name is Captain Williams, he was foreman of a chain gang camp, and nobody excuses his word. I told him I wasn't trying to excuse his word, I was telling the truth about myself and where I was and everything. I told him I didn't even know what had happened until Monday afternoon. That's the same night that this other fellow hit me right in the same place ~~before~~ I was hit before by Captain Williams kicking me. I don't know who the other fellow was. He says he was going to take me out on the west Dixie, he said quite a few things, I don't remember all the things he did say, but I know he kicked me and this other fellow hit me in the same place I was hit before with a rubber hose. So I was feeling pretty bad, I would say anything he wanted me to say if he didn't kill me. This was long about when this happened, was long about Sunday morning some time, he was taking us up and down and grilling us, and so he took me and had me on a bench with somebody else, I don't know who they was, I didn't try to find out who they was. I didn't sleep at all that Saturday night; I slept about three hours Sunday.

Q How many times did they take you out Saturday night?

A I was taken out all the time, I was taken out, I counted them, five.

Q When you were taken out were you taken to some other part of the jail? A Yes, sir, I was taken in -- I wasn't taken

downstairs at all, I was taken up in the jailer's quarters.

Q In the Broward County court house? A Yes, sir.

Q And who were the officers present there when you were taken up? A Mr. Walter Clark was present, I remember three times I see Mr. Walter Clark, the other two times I didn't see him, and this J.T. Williams, he was the man that did the biggest part of the beating.

Q He was there? A Yes, sir. Q Who else was there besides Walter Clark and Captain Williams?

A And the jailer. Q The jailer was there? A Yes, sir, and once or twice I saw Mr. Goodrich.

Q Well did you see any people around there that you didn't know? A Yes, sir, I see some, but not every time I went up there.

Q That night were you beaten on that Saturday night or struck any time or mistreated by any officer? A Yes, sir, by Captain Williams.

Q On what occasion, the first time, or second time or third time or fourth time, or when, tell the jury what they did to you on that night, or did anything happen to you, any mistreatment, tell the jury just what happened to you.

A Captain Williams hit me with a club, I think it was, that night, in my side; I have got the scar right here. I remember he hit me; he tried to hit my head but I ducked out of the way and I dodged a little bit and he hit my side when I stooped over, and I think that was three or four times, I disremember now, but it was Saturday night, and after this other fellow had hit me the first night I was arrested, and I told him after he hit me, I told him I would say anything he wanted me to if he didn't kill me.

Q Did they say anything about a rope that night; did you see a rope? A Yes, sir, I see a rope. He started to put a rope around my neck, but he changed his mind because some one else came in there, I don't know why.

Q What did he say? A He was going to string me up.

Q What did he say? A He told me he was going to string me up like he done some other folks that was in jail like I was, he told he done some one, I don't know the name, but some one came in there and told him not to do that.

Q Did anybody take up for you, any of the officers, for your mistreatment? A No, sir.

Q Say anything to you about jumping out the window?

A Yes, sir, he told me he was going to make me jump out the window. He told me I was going to be some kind of a negro, I forget the expression he made, he told me he was going to get his gun and lay it on the table and make me jump out the window and say I tried to jump out to run away from up there at the jailer's quarters.

Q This was on the fourth floor? A I reckon it was the fourth or fifth floor.

Q Did he tell you he was going to shoot you?

A He says he was going to shoot me if I didn't jump, would say I tried to grab the gun and shoot him with it.

Q How long did that treatment keep up with you that night?

A He kept me going - I was threatened all night.

Q Saturday night? A I didn't sleep all that Saturday night at all. I didn't get no relaxed until Mr. Maire came, he said he was the prosecuting attorney; I had never seen him until he come over there the first time and he tore up the paper, he said if they gets something --

Q Did you see the State attorney when he came over the first time? A Yes, sir.

Q Did he talk to you? A I disremember if he talked to me; I see the one they said was the State attorney.

Q What did you hear him say then? A He was talking with the other officials, and that's the time when he tore up this paper. That's the paper where Walter Woodward was telling about when he was on the stand, that was the same time. If I don't make no mistake the prosecuting attorney came over twice.

Q That was the first time? A Yes, sir.

Q Well did they do anything to you after the prosecuting attorney was over there the first time, before he came the second time; did they take you out any more? A Yes, sir, I got one more lick, Captain Williams hit me one more time after the prosecuting attorney left.

Q What did Captain Williams tell you about the confession?

A He told me I was telling things untrue to him, and I said I was doing no such thing, and he said if I didn't say what he wanted me to say I wouldn't see daylight the next morning, or I wouldn't see the sun go down.

Q When he told you that did you tell him what he wanted you to say? A I told him I would say just what he wanted me to say if he wouldn't kill me or give me to the mob that he said was out there, he started to hit me again and I told him that.

Q Then you told him you would say what he wanted you to say? A I told him I would say what he wanted me to say.

Q Did he send for the State attorney again? A Yes, sir.

Q You know the State attorney now? A Yes, sir, I know him now when I see him. He sits over there with a brown suit on.

Q Where were you when the State attorney came over that morning - what time did he come over the last time? A The last time he came over?

Q That Sunday morning? A I don't know what time.

Q Before daylight? A It seems to me the first time was very early but the last time it wasn't so early.

Q You know whether it was daylight or dark when he came over the last time? A The last time he come over there I know it was daylight.

Q At that time when he came over there where were you?

A I was sitting in a chair.

Q In what room in the jail? A On the last floor of the jail, I don't know whether third or fourth.

Q Who else was there? A Well there was other boys.

Q What other boys; these boys here? A Jack Williamson, Walter Woodward and Izell Chambers, we was all sitting around on chairs when he came.

Q What did Captain Williams say to you before he came in?

A He give us his opinion of everything he wants us to say.

Q Did you say then at that time what he wanted you to say?

A I told him I would say what he wanted me to say.

Q Did you say in the presence of Mr. Maire what he wanted you to say? A No, sir, I never said anything.

Q Well you did say some things in the presence of Mr. Maire?

A I don't remember saying anything, I tried to tell that man how I was beat and everything, but I didn't say anything the first time; I tried to do that. I remember his saying some word, he spoke everything about he being responsible --

Q You did make a confession there that morning, didn't you, of some kind? A Yes, sir.

Q Why did you make the confession? A I made it because I thought that was just about the last of me, because he told me if I didn't do it he was going to take me out on the street, he said he was going to give me to the mob or kill me himself, and I was afraid.

Q You were really afraid of him? A Yes, sir, he had done enough to me to be afraid, he was a large man and I know that he would do what he say, at least I thought he would; I had pains right then from what he had done to me already; I was hurt so bad I couldn't hardly see.

Q Did you sleep any that night? A No, sir.

Q After they left the next morning did you sleep any that day? A On Sunday I slept about three hours.

Q Now were you taken over to court later on to enter a plea or be arraigned? A Yes, sir, I was taken down to court to be arraigned, I don't remember the date. I had told him I would say what he wanted me to say, I said I will plead guilty to everything, and so when I got down there I wouldn't plead guilty.

Q You pled not guilty? A I didn't plead guilty. I didn't do what he wanted me to do.

Q What happened to you after that time, after you were taken back to jail? A Up until the time just before we was taken down I told him that I would plead guilty to what he wanted me to say. Well after then I got to thinking I hadn't done nothing and I know I was telling something untrue on myself; I don't know about the other boys, and so I got thinking about it, and I told him I didn't think I wanted to do that, I told him I wouldn't tell an untruth on myself, so it was one time we was ~~talking~~ taken down there --

Q You were taken down there the first time before the Judge and before Mr. Maire; you know where the court room is, don't you? A Yes, sir.

Q You say you didn't do what he wanted you to, you wouldn't plead guilty? A No, sir.

Q Now were you taken back to jail after that time, after you were in the court room, did they take you back to jail?

A Yes, sir, they took me back to jail.

Q After you got back to jail did you at any time after that see Mr. Williams again? A Yes, sir, I saw him, and he was the onliest man I see.

Q Tell the court and jury what happened to you that time?

A I see him again; at the time he hit me.

Q Where were you at that time? A When he hit me the jailer was taking me up in the room where the radio and bed was. I didn't see nobody but him, I didn't see no one. I got off the elevator, I didn't see nobody but Captain Williams; well he hit me so hard, he was mad because I didn't do that, so he hit me so hard - I didn't see no one else there, I didn't see no one but him, and I told him I would say what he wanted me to say again, and so when I told him I would say it he told me he was satisfied I would say it. He told me lots of things, but I don't remember what he told me.

Q Did he tell you he wanted you to plead guilty, and did



you tell him you would plead guilty? A Yes, sir, I told him I would.

Q Did you tell your lawyer you would plead guilty?

A I didn't have any lawyer.

Q Did any lawyer ever talk to you about your case?

A The morning I was brought down before the Judge to be sentenced.

Q The time you were taken over in the court the first time were all these other boys over in court that time?

A Yes, sir

Q That was when you wouldn't plead guilty? A Yes, sir.

Q Did any of them plead guilty at the time when you wouldn't plead guilty? A Yes, sir, I think so, I don't recall, but I think so.

Q You think some of them did the first time?

A Yes, sir. I didn't know these boys very well. I think so, I think they did. I didn't plead guilty.

Q How many days was it after that time before you came back and did plead guilty? A It was the day that Izell Chambers went before the grand jury.

Q You mean before the Judge to be tried? A Yes, sir, so I entered a plea of guilty.

Q Why did you enter a plea of guilty? A I entered it because I was afraid; I was being forced to.

Q Who were you afraid of? A I was afraid of Captain Williams most of all and I was scared of a mob.

Q Was it on account of the fear you had of Captain Williams? A Yes, sir, of him, honest to goodness, he beat me unmercifully .

Q Had he beat you unmercifully since you were in court the first time? A Yes, sir, he has beaten me, but he hadn't beaten me like he had the last time and said what he said about jumping out the window, and put his gun up on the table, like he beat me the first night I was arrested.

Q You say the reason you went back and told the court you would plead guilty was you were afraid of Captain Williams and the rest of them? A Yes, sir.

Q Did you on that morning talk to anybody who purported to be a lawyer to represent you? A The morning I went down to court, supposed to be going to trial, this man, I don't know his name now, come to me and said he was the lawyer, the State appointed him.

Q Did he talk to you, tell you anything about your case, what to do or not to do? A He told me that he was a lawyer, was appointed by the State, I understood it that way. So I tried to explain to him that he didn't know anything about this case no way at all; so he tried to tell me the best thing to do; when I was up there he didn't say anything to me but come down in the court and stood up when the man sentenced us to the chair.

CROSS EXAMINATION

BY MR. SALISBURY:

Q Who arrested you? A Chief Maddox.

Q Who else? A Him by himself.

Q And what were you doing down there at the house the night he arrested ~~you~~ you? A The night he arrested me I just had come <sup>from</sup> the store and I had bought some soap. I had my shirt off, I was just going to take a bath and rinse out the shirt and go to bed.

Q You were rinsing out the short when he came to arrest you? A Yes, sir.

Q What did you have on the shirt? A I put it in water.

Q What did you have on the shirt, why were you rinsing the shirt out? A Nothing but dirt.

Q Any blood on it? A No, sir, I never see any blood.

MR. CATTS: Object.

THE COURT: Objection sustained.

Q You say they took you then to Pompano jail? A Yes, sir.

Q And who was present? A Chief Maddox took me to jail. He took some more men but he left them and come over with a flash

light; I thought some one was trying to scare me because they said the place was spooky. He came around with the light and walked up to the door and came in and looked around the house, searched it two or three times, and I asked him what did he want -

Q I am talking about after they got you in the jail, did somebody beat you? A Yes, sir.

Q Who was present? A Chief Maddox was present.

Q Was Sheriff Clark present? A I didn't know him at that time, I had never seen him.

Q Take a look at him now. You said a while ago you saw some one that kind of favored him? A I don't know for certain whether it was him or not.

Q You remember whether or not Mr. Walter Clark questioned you in Pompano? A No, sir, he didn't question me then. Mr. J.T. Williams was the man that was doing the biggest part that night.

Q Now when was the first time they took you back to Broward County jail on Sunday? A Sunday morning.

Q Now when was the first ~~time~~ time they started beating you up there? A I believe on Monday.

Q Did any one beat you on Sunday? A No, sir.

Q What happened Monday? A Monday afternoon was when they took me out and I learned what it was all about, what they claimed had happened. I still didn't know what happened. A kind of stout man told me down in the office that Mack Little said he told the officers he knowed me and had seen me or something. Izell Chambers was in there and some other boys. And he said you don't know anything about any of the other boys, and I said I didn't know anything about them, that I never seen them. So Mr. Wright took me and carried me back upstairs and locked me up in a private cell.

Q When did they first start beating you? A First started beating me on the 13th, the first night I was arrested, about 2.30.

Q I am talking about after you got back to Broward County jail? A It was on Wednesday.

Q Didn't beat you on Monday? A No, sir, they didn't beat me Monday.

Q Anybody hit you Monday? A It was either Tuesday or Wednesday.

Q Any one hit you Tuesday? A No, sir.

Q When was the time that Captain Williams said he was going to push you out the window and then say you jumped?

A The first time he told me, he first time he mentioned that was in Thursday night, I remember Thursday night, and he mentioned it again Friday night and Saturday night. He was talking about the mob that was out there waiting for me, and talked about turning the keys over to the mob.

Q How many nights were you questioned after you got to Broward County jail? A They didn't question me the first of the week, as I said it started on Wednesday or Tuesday.

Q You remember signing this petition (showing witness paper) Is that your signature, Charlie? A Yes, sir.

Q You remember signing that petition, and that's your signature? A Yes, sir.

Q Did you read that before you signed it?

MR. CATTS: You better tell him what it is.

Q The petition was sent to you at Raiford. You signed that? A I didn't understand it very well. I had never been in court before but I thought it was all right and everything that was in it was right.

Q Was everything in that petition that was signed by you at Raiford true? A I don't know what is in that one there; I signed more than one, and more than two I think.

Q I am talking about the petition that was sent to you at Raiford and you signed. You remember signing this petition and swearing to it, this petition that was sent you up at Raiford?

A Yes, sir.

Q Did you read that over before you signed it?

A I disremember.

Q Was it read to you by any one? A I believe it was read.

Q Is everything contained in that petition that was read to you true? A Yes, sir, as far as I can recall.

Q Do you recall the petition that I just presented to you, you recall whether that petition, from what you read or what was read to you, stated among other things --

A Your Honor, I remember the petition but I do not recall what was in the petition and everything about it, I do not remember.

Q Let me refresh your memory: "Your petitioners further represent unto the Court that Charlie Davis was taken from his cell to the Sheriff's office of Broward County, Florida, at about 9:30 P.M. on May 20, 1933, and he was ordered to be seated. Immediately after he was seated in the Sheriff's office, he was knocked out of his chair". A Yes, sir.

Q That's correct? A Yes, sir.

Q That's after you reached Broward County jail? A Yes, sir.

Q "-- against the brick wall of the room, knocking him almost senseless by one of the men present there."

A No, sir, I haven't said the brick wall, I don't know what kind of a wall.

Q For a week they had been questioning him and he was without sleep and beating him every night; did they walk you every night for a week before you confessed on Sunday?

A From the time I told you a while ago they asked me on Sunday and I say --

Q Did they begin walking you on Monday?

A They started Tuesday or Wednesday.

Q Do you recall testifying in this case on February 21, 1935, down at Broward County, the last trial of this case?

A Yes, sir, I remember being down there.

Q I ask if you remember Mr. Maire asking you this question and giving this answer: "I know that Charlie, but I am asking you about the night up here in the jail, the night before this confession was taken, did Captain Williams kick

you that night, when he hit you with his fist? (A) No, sir, he kept sending the jailer down in my cell, and I told him I didn't want to see him, because I hadn't done nothing. (Q) I know, but did he kick you? (A) No, sir, he told me he would get some of those trust negroes and have them throw me out the window and say I jumped out, committed suicide." Is that true or not. Did Captain Williams threaten to throw you out?

A He threatened to throw me out or make me jump out from Thursday night to Saturday.

Q And the further question and answer: " He didn't kick you? (A) No, sir, I don't remember him kicking me.

(Q) What did you mean when you testified before, I asked you this question: 'How many times did he hit you with the club?' and you said 'once', and I said 'How many times with his fist' and you said once. I said 'What else did he do?' and you said, 'he kicked me,' and I said 'How many times did he kick you?' and you said 'Didn't kick me but once.' Didn't you testify to that here before, Charlie? (A) That is right." Do you recall that question and answer? A That last question I don't remember. Your Honor, I do not remember all the things that happened in the case.

Q Now, Charlie, after they got you up to Broward County jail, excluding any of this kangaroo court, I mean when they put you in the cell, did the other prisoners in there give you some certain licks for testifying as a witness, among the prisoners? A Yes, sir.

Q No officers? A No, sir.

Q Excluding that, I want you to again tell the jury the first night, or the first day that Captain Williams, or any of the sheriff's deputies, or any other person beat you or kicked you or hit you with any object? A It was on Tuesday or Wednesday night.

Q Let me ask you another question: when was it that they asked you if you knew Jack Williamson; I believe you testified that was on Saturday?

A I don't recall the exact date they asked me.

Q Was it just after you got in Broward County jail, or after you had been there quite a while? A I had been there quite a while. As I said a while ago they didn't ~~ask me~~ take me out until Wednesday or Tuesday, because I was in jail all day Sunday and Monday.

Q Didn't you testify before these gentlemen of the jury a few minutes ago that they brought you out on Saturday and asked you if you knew Jack Williamson, and they took you back to your cell; was that on a Saturday? A Yes, sir, they brought me out right enough and I say those same words, but I disremember whether it was Saturday or not.

Q Do you recall whether they brought you out on Monday, the first Monday after you got in there? A No, they didn't get me the first Monday, they took me out only one time; they started beating me Tuesday night or Wednesday.

Q What did they do when they took you out that one time on Monday, what did they do? A They took me down on the bottom floor in the sheriff's office.

Q Did any one strike you? A No, sir, they didn't strike me that time.

Q What did they do Tuesday? A They didn't take me out as I know, I don't know whether it was Tuesday or Wednesday they took me out.

Q Charlie, do you recall whether it was the first part of the week you were in jail or the last part of the week you were in jail they took you down to see Jack Williamson?

A It wasn't the first part of the week.

Q It was toward the last part of the week?

A Toward the last part of the week but I disremember what day it was.

Q Was it prior to the time you gave this confession?

A It might have been Thursday, I don't know.

Q Now you say you were carried down to Pompano again?

A Yes, sir.

Q What were you carried down there for, and what did you do?

MR. CATTS: Object to counsel trying to elicit an answer from the witness which would not prove any issue in this case.

(Question withdrawn)

Q Did you ever get beat or did any one ever strike you and mistreat you in Pompano Monday, the following Monday after you were confined in Broward County jail?

A The following Monday?

Q Yes, that's right? A No, after they took me out the first time they didn't strike me. That's when Captain Williams told me to wash my clothes.

Q I believe you say that you counted five different times they took you out? A Yes, sir.

Q About how long would they keep you out there and grill you and question you and beat you, about how long a length of time when they would take you out these five different times? A They kept me out there sometimes a long time.

Q Would you say an hour? A Yes, sir, they kept me out there at times over an hour.

Q Over an hour? A Yes, sir.

Q Five times. What was the longest time of any of those five times? A I do not know.

Q Would you say it was longer than over an hour, or would you say it was over two hours? A Around two hours.

Q The other times were about an hour, do I understand you to say the other times were around an hour and longest time was about two hours? A Yes, sir, this is my guess for I didn't have no timepiece. I know they kept me there a long time, they kept that up all night until Sunday somewhere about eight or nine o'clock.

Q What would they do when they took you out, besides beat you - you say they made you walk for almost a week; did they make you walk on Saturday night? A Yes, sir.



Q Who made you walk? A They walked themselves from the cell, walked from there to the elevator, and walked back and forth. What possessed me to count those times was because some other ~~xxxx~~ fellow down there said he had counted four times, and I said it was five, and then it was after 12 or one o'clock I think.

Q Who had counted four times; what do you mean, some other prisoner had counted four times? A Yes, sir.

Q And you remember they were wrong? A I remember him saying that, I don't know who he was, he was down below me.

Q Now when they took you out of your cell and brought you back, you walked from your cell down to that room, but in addition to taking you down there I believe you stated they struck you and threatened you, but in addition did they make you walk up and down so you couldn't sleep?

A No, sir, I couldn't sleep at all no way.

Q Did they walk you up and down that Saturday night when they took you out five times? A They didn't walk me no more. They walked me from the cell.

Q Was Captain Williams with you at all times during those five times? A Captain Williams was present every time.

Q Every time? A Yes, sir.

Q Was Sheriff Clark present every time? A I didn't see him every time.

Q Each one of these five times was an hour, and the longest period was around two hours? A Yes, sir. I told you that was my guess.

Q Now how many of these five times would you say was closer to two hours than one hour that Captain Williams was with you continually? A I don't know, I couldn't tell you now, because I was upset and frightened, I couldn't tell you.

Q Let me ask you this question: you do know the shortest period of time of any of these five times was over an hour?

MR. CATTS: He said his guess would be sush and such a time, but he didn't know how long.

Q Is your guess that a still shorter time of these five times was over an hour? A Yes, sir.

Q And Captain Williams was with you continually the whole time? A Yes, sir, he was with me continually the whole time. There was more folks, I don't know who they were.

Q Did he ever have Jack Williamson along on any of these trips; you were alone, weren't you?

A Yes, sir, I was alone.

Q Did he ever have Walter Woodward on any of these trips? A They was brought in the same time I was just about day that Sunday morning they were brought in that same morning.

Q I am talking about Saturday night that you were taken out and Captain Williams was with you continually, according to your guess, not less than an hour, and in at least one instance over two, five different times during that night?

A Yes, sir.

Q Were you alone, were any of these other petitioners with you? A I wouldn't say that I was alone all the time.

Q Was Jack Williamson ever with you? A I don't remember.

Q Was Walter Woodward ever with you? A I don't remember Walter being with me any time of night, I think it was that night -

Q I am asking about that night? A I don't remember, your Honor.

Q You don't remember whether you were with Walter Woodward that night? A Not at night. That Sunday morning before day I know he was there.

Q You know who was there? A Walter Woodward, Jack Williamson and myself.

Q You know they were where? A In this same place of Mr. Marshall where he sleeps, where the bed and radio and chair and different things.

Q I am asking you if Walter Woodward or any of these other boys sitting over there were ever with you on any one of these five times that Captain Williams took you out of your cell and stayed with you continually? A I told you I don't remember.

Q When was this you saw Mr. Maire tear up something; what caused you to remember that; didn't you state that you saw Mr. Maire tear up Walter Woodward's confession, and you talked to Walter? A I talked to Walter?

Q You recall what you testified? A Yes, sir, I told you Mr. Maire come over twice.

Q Didn't you say you heard Mr. Maire question Walter Woodward Saturday night? A I told you I heard Mr. Maire say something, but I ain't saying anything about Mr. Maire questioning Walter Woodward.

Q You heard him say something to who? A Say something concerning protection, that's what he said.

Q Now I am asking you the fact, do you recall whether or not you ever ~~xxxxx~~ saw Mr. Maire with Walter Woodward Saturday night? A The only time I see Mr. Maire or Walter Woodward, the onliest time I saw Mr. Maire and know Mr. Maire was the next morning - you are talking about this night - the only time I saw him anywhere near Walter Woodward, it was that same morning, that same night or morning, whatever you want to call it.

Q What do you mean, morning or night; do you mean the morning when the confessions were taken at 6.30 at Mr. Maire's office? A Yes, sir.

Q That's when you saw Walter Woodward and saw Mr. Maire questioning him? A Yes, sir.

Q And that's the only time you saw them together?  
A That's the only time I ever saw them together.

Q Now when do you claim you ever saw Mr. Maire tear up a piece of paper that you now tell this jury was a confession, or didn't you see him tear up anything that day?

A I told you Mr. Maire came ~~xxxx~~ twice over there. The first time he must have been disgusted or something because he went away.

Q What did he do? A Well I know about the next time he came, I remember some of that pretty well.

Q You are sure you saw Mr. Maire twice. That was Saturday night or Sunday morning? A I said I remember the last time he come well some of the things.

Q That's the time you gave this confession?

A The last time.

Q Now you say you were walked out five different times and taken down by Captain Williams, and he was with you continually the whole time? A Yes, sir

Q How many times to your knowledge was Walter Woodward taken out by Captain Williams? A I don't know how many times he was taken out, but I heard the door slam back, somebody, I don't know who it was.

Q You heard Walter Woodward testify just now?

A Yes, sir, I heard him.

Q How many times was Jack Williamson taken out to your Knowledge Saturday night and early Sunday morning?

A That I do not know.

Q But you recall definitely that you were taken out five times? A Yes, sir, because the fellow below me, might have been sleepy or something, but he said I had been out four times, I don't know whether that's the last time or not, I was hit so I don't know; they come and got me another time, that was the last time that night; I didn't go back after that Sunday morning.

Q You recall the second time you say you saw Mr. Maire when the confession was given? A Yes, sir, I recall the time I saw Mr. Maire, the time when I told that man I would say what he wanted me to say, that was on Sunday morning when Mr. Maire came over there.

Q You remember whether or not Mr. Maire asked you whether or not any one had beat you or threatened you in any way? A I remember Mr. Maire telling something like that but I ain't saying nothing to him, I wouldn't talk.

Q You mean you didn't talk to him?

A I didn't talk to him.

Q You remember whether or not on May 21, you remember this question was asked by me and you gave this answer: "Charlie 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". Is that true? A I don't remember saying that.

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." You recall that? A No, sir.

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." You recall that? A I remember his saying something. I didn't know what his name was, I didn't even know who he was until he told me.

Q This question was asked you: "You want to make a statement freely and voluntarily, of your own will? (A) Yes, sir." "And tell the truth about it? (A) Yes, sir." You don't recall that? A No, sir.

Q You recall the trial of Izell Chambers when you testified on behalf of the State? A I don't remember those things, and that man he threatened me and said what he would do, and I believed he was going to do what he said he would do.

Q I ask you if you remember the day that Izell Chambers was tried and you testified in court as a witness?

A Yes, sir, I remember some things that day all right.

Q What things do you remember that day, that you remember testifying? A I remember well seeing this big man Captain Williams, I remember him coming around, he come in and say something to me, but I don't know what it was; he told not to forget what he told me.

Q Charlie, at the trial of Chambers, this negro sitting over this end, you recall testifying as a witness for the State at his trial, do you not? A I remember that day, of course I don't know what I said.

Q But you do remember Captain Williams coming in there that day? A I remember - what caused me to remember him so well he came over where I was and he spoke to me again. He went on the stand after then.

Q Did any one else speak to you that day?

A I don't remember anybody else speaking to me except the man I used to work dor.

Q At the trial did you or did you not answer the same questions according to the way you did in the confession at the trial of Chambers? A I tell you what I do remember. This lawyer that I had I remember I tried to tell him, he came up there to me one time and I tried to tell him -

Q I am talking about the trial of Chambers.

A Yes, sir, the day of Chambers trial.

Q Tried before a jury wasn't it? A Yes, sir.

Q And you testified? A Chambers tried before a jury.

Q And you testified? A No, sir, I ain't saying I remember nothing about my testimony or anything like that.

Q I am not asking you if you remember your testimony. I ask you can you remember being physically in the court room, sitting in the court room testifying, you remember that?

A Yes, sir, I went on the stand, but what I said I

don't know.

Q What you said you don't know?

A No, I don't remember what I said.

Q Why were you in that situation; right now you can't remember, but you can remember these other things, why is it you can't remember what you said? A Your Honor, I told you I could remember some things, I couldn't remember everything.

Q Can you remember anything you said when you were a witness in that case?

MR. CATTS: If you can remember anything, just answer the question yes or no.

WITNESS: I told him, no, sir, I can't remember.

Q Charley, you remember Mr. Worley, an attorney in Miami? A I only know him by seeing him one time.

Q He came up from Miami to the jail to talk with you?

A Yes, sir, he did.

Q Did you tell Mr. Worley about Captain Williams, Sheriff Clark and the rest of them beating you and threatening to push you out the window? A If I told Mr. Worley I would not have been here today.

Q You would not have been here today? A No, sir.

Q But you didn't tell him. He was a lawyer that came up from Miami to see you about representing you?

A Yes, sir, my father from North Carolina got him to come up here.

Q That was his job, he came up after you had given this confession up in Mr. Maire's office, wasn't it?

A I told them I would say what they wanted me to if they didn't kill me.

Q How many days after that was it Mr. Worley came up from Miami to see you? A Yes, sir, he came up.

Q About how long after you gave the confession in Mr. Maire's office? A I don't know.

Q Would you say it was three days? A I do not know.

Q Would you say it was three weeks? A I do not know.

Q Just a blank, your mind? A I don't know what it is.

Q Was it after the plea of guilty before Judge Tedder in this case that Mr. Worley came up to see you?

A Yes, sir, he came up to see me.

Q Was it after you plead guilty? A It was after I was sentenced.

Q You know James Little? A No. I see him in jail.

Q You do know him? A I see him in jail, see him in jail the first time I see him.

Q As a matter of fact you were in the same cell with James Little for a while? VA Yes, sir, for a while. He made a confession, him and Frank Manuel. After then he was put down in the bull pen.

Q As a matter of fact you were in the same cell with James Little on Saturday before the confession was given on Sunday.

(James Little brought into the court room)

Q Is that James Little? A I don't know whether that's James Little or not.

Q Is he the man you were in jail with? A I saw him out there in the kangaroo court. Before this time I was lying on the bed and he sat on the other bed before this time.

Q Was he in your cell with you on Saturday before this before this Sunday that you gave the confession in Mr. Maire's office? A I don't remember.

Q But you do, however, remember he was in your cell at some time? A Yes, sir.

Q And this is the one? A That's the man; first time I saw him was in jail.

Q You recall whether or not you had a conversation with him as to whether or not you had been beaten? A No, sir, I never talked. The fellow said I was crazy because I wouldn't talk.



Q Who said you were crazy? A Fellow by the name of Banjo Berney. He was in jail at the time.

Q I ask you whether or not you told this boy here whether they had or had not beat you? A I don't remember.

Q You don't remember whether you told him they had or not? A I don't remember I told him anything, that he talked to me about anything.

Q You mean to convey to the jury that you had been beaten and walked since Tuesday, Wednesday, Thursday, Friday and Saturday, and you can't remember whether you told this darkey whether you had or had not? A You know that place is full, your Honor, lot of people were in there I haven't never seen before.

Q You didn't ever see him in your cell?

A I told you before he was in my cell sitting on the bed talking to another fellow, and I was lying down. There is four bunks in the cell. I was laying down at the time because my head was aching.

Q Why was it now that you went up to Mr. Maire's office and answered these questions to him like you did in your confession, and why was it you got up in court and plead guilty?

A I didn't go to Mr. Maire's office; if I did, I didn't know it.

Q Well the office where Mr. Maire was sitting when these questions were asked you and the answers given by you; why was it you confessed in front of Mr. Maire, sitting here, and the Sheriff, sitting here, and several others? A I told Captain Williams I would say anything he wanted me to say if he wouldn't kill me and wouldn't beat me any more, I told him I couldn't stand any more.

Q Were you afraid of Captain Williams? A Yes, sir.

Q You remember testifying on February 21, 1935, at the trial of this case down in Broward County, Florida? A Yes, sir, I remember being down there.

Q You remember this question: "Did Mr. - Captain Williams hit you with anything? (A) He had a black jack up there and he throwed his gun on me and I told him his gun wouldn't shoot and he laid it down on the table." You remember whether that question was asked you and that answer given? A No, sir.

Q "You weren't scared of him then were you Charlie? (A) No, sir, I was as much law as he was." You remember that question and that answer given? A No, sir.

Q And you say it was because you were afraid of Captain Williams that you made this confession? A Yes, sir, and there was other things.

Q What was that? A Well the mob, the people he claimed was out there; to make me jump out the window and shoot me, make believe I was trying to run, and things like that.

Q I will ask you if you remember, referring to February, 1935, you remember this question being asked you and the following answer given: "I believe you testified a few minutes ago that you weren't afraid of Mr. Williams up here in the jail the night of the 21st - 20th and 21st of May, is that true?" (A) That is right. You remember that question being asked and you giving that answer? A Your Honor, I don't remember saying it.

Q I will ask you if you remember this question: "Well, what made you give this confession then? (A) After I saw I had to do that, I had to rely on my own self, to save my own life." And this question: "So it wasn't because you were afraid of Captain Williams or any of the officers, but you were afraid you would lose your life, was it? (A) Yes, sir, I was afraid I would lose my life. I knew that man was the sheriff, but I wanted to know about this man, seemed like he was taking possession of this country. He was a convict guard. I know law, see? and recognize law and order." You remember that answer being given? A Yes, sir, I remember I said I never broke the law, I remember that.

Q And you say you were afraid of mob violence?

A Yes, sir, he had talked so much about it.

Q You remember this question being asked at that same trial: "Were you ill-treated by any of the officers between the time the confession was taken and that day, Charlie? (A) Well, I tell you, I read in the paper and saw where they was beating up people in Pompano and shooting up innocent people, and so I tried to take it all on myself to keep them from shooting up anybody else, because those white people had taken the law in their hands, and they are not law, see? shooting up people and running them away from town, over shooting people going to church, and I tried to take it upon myself to keep them from shooting up anybody else." You remember that question was asked and that answer given? A Yes, sir, I remember something concerning it but I don't remember all of it.

Q What did you mean by that?

MR. CATTS: Object to that.

THE COURT: Objection sustained.

Q Is that true or untrue? A I remember something that you spoke a while ago but I can't tell you all of it.

Q Charlie, as a matter of fact did you make this confession that you made in order to take it all on yourself and keep them from shooting up people in Pompano; was that the reason you confessed? A No, sir.

MR. CATTS: Object.

THE COURT: Objection ~~sustained~~ overruled.

Q Charlie, Judge Tedder appointed a lawyer to defend you, did he not; you recall whether he did or not?

A The man I told you about, I didn't know his name, went down with me; came up before I went down.

Q Came up to your cell, did he? A No, he didn't come up to my cell. I was in the bull pen, he came outside the bull pen and I came out, that's the first time I ever see him. He said that he was a lawyer appointed by the State.

Q To defend you, didn't he? A Yes, sir.

Q Did you tell him whether or not you had been beaten?

A I wanted to tell him.

Q Let me ask you first, did you tell that man that came up to see you in the bull pen before you went to plead in your trial, did you tell him or represent to him that Captain Williams or the Sheriff, or any one else, had beat you or ill-treated you and forced you to give that confession? A I wanted to tell him but Captain Williams was right there with us and I couldn't tell him.

Q You mean you didn't tell him? A No, I didn't tell him.

Q Did the lawyer ever ask you when Captain Williams wasn't present? A No, sir, in fact the lawyer he hadn't said a dozen words to me.

Q On Saturday night, prior to the time the confession was given, did Bob Clark or Mr. Virgil Wright ever question you, they come there to your cell? A I haven't seen them.

REDIRECT EXAMINATION

BY MR. CATTS:

Q Charlie, were you ever brought into court down there in Broward County and the court itself tell you you had an attorney to represent you? A I don't understand.

Q Did the Judge down there of the court ever bring you before him and tell you you had an attorney, that he had appointed an attorney to represent you? A I don't remember. He said something down there, I don't remember that time, because I tell you why I didn't remember because my head was worrying me, and I don't remember; he was saying something, I don't remember exactly what he said.

Q The only way you knew you had an attorney was by what the attorney told you? A Yes, sir, that's the only way I know him, just before I went down in the court room, he came outside my cell, I started to tell him I hadn't done anything, he could see himself.

Q Did you have any wounds on you at the time you were talking to the lawyer? A Yes, sir.

Q Where were they? A Right here and back here, and right around there. (indicating)

BY MR. SALISBURY:

Q Where did you get those wounds?

A I got them from Captain Williams.

(Witness excused)

Thereupon Court adjourned to 9 o'clock A.M.

Tuesday, October 13, 1936.

M O R N I N G   S E S S I O N

Tuesday, October 13, 1936,

9 o'clock.

CHARLIE DAVIS, the witness on the stand at adjournment was recalled, and testified on behalf of petitioners as follows:

REDIRECT EXAMINATION

BY MR. CATTS:

Q Yesterday you testified that you testified down in Broward County at the trial of Izell Chambers; was that the same date on which you finally entered a plea of guilty in Broward County? A Yes, sir.

Q You also told the court and jury yesterday that when you were brought back to the cell that Saturday night somebody said to you it was the fourth time you had been out; where were you kept at, in the bull pen? A I was kept in the bull pen.

Q How many other persons were in the bull pen?

A There was around twenty.

Q Was it one of these other boys in the bull pen that said that to you? A Yes, sir.

Q Did you wake him up at any time? A He was already woke by the sound of the door he said. I don't know who he was, I didn't see him.

Q Did you sleep any that night yourself? A No, sir.

Q Around this bull pen are separate cells where you sleep? A Yes, sir, there is four bunks in each cell.

Q Then the outside door of the cells open up into what you call the bull pen, a big open space there? A Yes, sir.

Q Did you know any of these other three defendants sitting here before you were brought into Broward County jail?

A No, sir.

Q Did you ever see any of them before? A No, sir; if I see them I didn't know them.

Q The first time you saw them was in jail?

A Yes, sir.

IZELL CHAMBERS, being first duly sworn by the Clerk, testified on behalf of the petitioners as follows:

DIRECT EXAMINATION

BY MR. CATTS:

Q Your name is Izell Chambers? A Yes, sir.

Q You are one of the petitioners in this case? A Yes, sir.

Q Where were you living during the month of May, 1933?

A I was in Pompano.

Q How long had you lived in Pompano?

A I lived in Pompano around five months.

Q Who were you living with at that time?

A I was living with Walter Woodward.

Q At his house there in Pompano? A Yes, sir.

Q You remember when you were first arrested in connection with this case? A Yes, sir.

Q Where were you arrested and about what time of night?

A It was about eleven o'clock on the 14th night of May in 1933, when I was arrested in Mr. Blount's quarters.

Q At Walter Woodward's house? A Yes, sir.

Q What were you doing when they came there and arrested you? A When they came there and arrested me we was all asleep, and I think I was about the last one that was awakened out of bed that night.

Q Tell the jury everything that happened to you after the time you were arrested, ~~after~~ and after you got to Broward County jail? A Gentlemen of the jury, it was on the 14th night of May, 1933, I was awakened out of my bed about eleven o'clock, me Walter Woodward, Claudie Mack and Jack Williamson; we was arrested by Sheriff Walter Clark and Mr. R.H. Helton and Mr. Bob Clark, and there was some more that I can't recall now. However, when I was awakened they told us to get up and put on our clothes, so I was almost frightened because Mr. Blount had sent word down to the quarters that Sunday night to tell everybody not to go out of the quarters because tomorrow some said they was going to kill

so many negroes of the town until they would have to lay them out in a truck load. So that night we all went to bed; so when they walked in to arrest us, I asked them for what - I was trying to figure then that was the mob done come to get us, and they said you find out what if we messed around here very long. So after we got on our clothes they told us to run for fear the mob may overtake us before we got to the County jail of Broward County. So after we get to jail they separate me from the other three boys.

Q On the way to the car what else happened, if anything?

A Just after they told us to run, I think if I make no mistake, one of the boys while running lost one of his shoes between there and the car.

Q Did you pick up anybody else? A This Frank Manuel, he was the cause of me being mostly in this trouble today, he was chained to an old car body out there, not more than 15 or 30 yards from the house where we was arrested at.

Q Did they unchain him at that time? A Yes, sir, they carried him to jail with us. So after I got to the jail they separate me from these other three boys. Chief Maddox and Mr. Virgil Wright they take me up on the fourth floor of the jail to a room, where they beat me throughout the week. They began beating me there and I asked what were they beating me for.

Q Was this Sunday night? A On Sunday night, May 14th.

Q As soon as you got in the jail they took you up on the fourth floor? A Yes, sir.

Q Is that the same room that had the bed in it?

A The same room that had the bed and radio in it, yes, sir.

Q Who took you up there, Mr. Virgil Wright?

A Mr. Virgil Wright and Chief Maddox, the Chief at that time. Q Was anybody else there at the time? A Nobody but just those two only; so they begun beating me; I asked them what was they beating me for; well they told, says "wasn't you with these negroes that killed this man up there in Pompano"? I told them no I wasn't even with anybody that killed anybody,



I didn't even know the man was killed until late that Sunday night, didn't even know the man, had never seed him. So they continued to beat me there for quite a bit, until they thought of this lady who was serving time in the jail, she being not more than five or six feet from the place where they was beating me at and they temporary ceased thinking the woman had heard the indecent words they was using while they was beating me, so they stopped beating me for quite a while and put me in a cell with another boy by the name or Carmele Rone.

Q On what floor? A In the same floor they was beating me on.

Q That wasn't the room where the bull pen was?

A No, it was a private cell, they put me in with him; so that Monday morning, which was the 15th of May, they took me down in the sheriff's office, I suppose, the first and the last time without beating me and they kept me for quite a bit; they didn't beat me that Monday morning.

Q They ask you questions? A They only questioned me that Monday morning.

Q Who was there? A Mr. Sheriff Walter Clark and some more men, I can't recall who it was. I remember I was in there and they questioned me, and so they took this Mack Little, Frank Manuel and Charlie Davis and took them down to the office; and they asked me wasn't I with them the night the man was killed. I told them no, I didn't know anything about his death until late Sunday. So they took me back in my cell, and that was Monday night. Well about a little after dusk dark, I suppose, they come up to my cell and took me out and they started on the way to Miami with us, they claimed that a mob of fifty cars filled with men was waiting to take our lives. I told them I hadn't did anything for the mob to take my life, and I didn't believe the mob would want to take the life of an innocent man. Instead of them taking us down the elevator they took us down the stairway steps that leads to the back of the jail.

Q And took you all the way down the fire escape?

A Yes, sir. So we goes down and gets in the car.

While we was on the way, Captain Williams, the man that did the most of the beating from Tuesday until Sunday morning, which was the 21st of May - so while we was on the way to Miami he says to the sheriff Walter Clark, he says "well you know we are saving the county two thousand or more dollars; of course if it wasn't for us the mob would lynch these five niggers."

Q Who said that? A Captain J.T. Williams. He said in fact they deserve lynching, and I told him I hadn't did anything to be lynched for, while we was in the automobile.

Q Who else was in the car? A Frank Manuel, Jack Williamson, Willie Henderson and I, there was five in the car, they were taking us to Miami for safe keeping that night.

Q What officers were in the car? A Sheriff Walter Clark and Captain J.T. Williams was the only two officers in the car. So they took us on to Miami that night which was the 15th of May, 1933.

Q Anybody stop you on the way to Miami? A Yes, sir, I think that speed cop stopped us on the way; he rode up by the car with us in, and he blowed the siren, and Captain J.T. Williams told him he was getting away with five negroes from a mob, and he told him to go ahead. So we goes into Miami jail; they kept us there that night and on the 16th, I think somewhere along about 12 or 1.30 they came over and carried us back to Broward County jail. After they took us back to Broward County jail they resumed beating of us again.

Q Tell what happened to you? A They resumed beating me.

Q Where were you taken when they first brought you back?

A They took me back to the same cell they took me out of on Monday night.

Q Put anybody in there with you? A No, sir, I was in there alone that time, on the fourth floor. Then they took me out and began beating me again.

Q Tell the Court and jury who all got you and who bear you? A It was Captain J.T. Williams.

Q Who come and got you? A Mr. Marshall the jailer come and got me from the cell every time I was taken out, and so they come and got me again and began to beat me right on.

Q Where did they take you? A They took me into the room where they had this little cot; there wasn't any one staying there at that time, it was said to be Mr. Marshall's quarters, but he wasn't staying there the time in that room they was beating us. And they began to beat me, try to make me untruthfully say I knew something about the death of this man, when I said I was innocent of it. And so during that evening some one, I think it was Carnel Rone - not Carnel, but it was another one of the Rone boys, told me that Frank Manuel and Mack Little had made a confession to taking the life of this man that I am accused of and being tried for today, and he said that Frank Manuel and Mack Little involved me in the case, and I told him I didn't know this Mack Little, and Frank Manuel hadn't even seen me after that Sunday night they put me in prison. So on Wednesday morning, which was May 17, it came out in the paper that Frank Manuel and Mack Little had made a confession of this case.

Q You see it in the paper? A Yes, sir, I read it myself.

Q In what paper? A I don't know; I think it was the Lauderdale Morning News.

Q Where did you get the paper from? A From some of the boys taking the paper there that time. So that Wednesday they take me out and begin to beat me again, trying to make me say I know something about the death of this man. And I told Captain J.T. Williams and Sheriff Walter Clark, if you will go up to Pompano, I have witnesses there that will tell you where I was Saturday night, and he asked me to give the witness name, and

I did so; and so he goes up to Pompano to see my witnesses and returns to Broward County jail and said we have seen your witnesses and they have told the same story you are telling but we are not going to accept what they say. We told them they had better let you go if they don't want to be in jail just as you are, or be in worsen condition. So after they told me that they commenced beating me again, threatening to take my life or either turn me over to the mob else, and I told them, I says "Captain J.T. Williams, I am innocent of what you mens have got me accused for; I have sent you out to see my witnesses and they have told you where I was Saturday night when this crime was committed, but you continue to beat me." Now, gentlemen of the jury, after I have told the sheriff just where I was Saturday night, and these witnesses knew where I was, then they continued to beat me throughout every day and every night. I didn't even know what sleep was, I had almost forgot what sleep was to a man; when I was in the cell I was in misery from where they beat me. I have a scar on my hand and this one on my head, and I have several bruises.

Q Show the bruises to the jury? A This scar came here on me by being hit here by Captain J.T. Williams, that's where he kicked me down, knocked me down on the floor; he kicked for my head but I throwed my head to keep him from hitting me in the eye, that's the cause of the two ~~my~~ on my head today. So every day they continued to beat me trying to make me untruthfully say I knew something about the case, when I told them I had witnesses to prove where I was that night. Every night and day until the 21st morning of May I was beaten by Captain J.T. Williams.

Q Do you know what happened on the night of the 20th??

A Yes, sir.

Q Just when was the first time you was taken out and questioned about it? A The first time that I was taken out that night I was taken out from the cell where I was alone, I was taken out in the bull pen.

Q When had you been put back in the bull pen?

A I had been put back in the bull pen, I don't recall just what day it was, he took me back in the bull pen some time after Frank Manuel had made a confession in this case. So that Saturday night Mr. Marshall he came down in the bull pen and gets me about nine o'clock and he took me up on the fourth floor of the jail, the room where they had usually beat me throughout the week, took me up there and after getting in Captain J.T. Williams and Sheriff Clark, says "ain't you ready to confess the truth." I told them I had confessed the truth throughout the week and that I was innocent of what they was beaten me up and threatened to take my life or either turn me over to the mob. They said "well, you have kept us up all the week and caused us to lose our sleep but we are not going to stay up another night messing along with you."

Q Which one of them told you that? A Well Captain J.T. Williams and Sheriff Walter Clark told me that I was either going to confess the truth that Saturday night, May 20th, or either I was going to be killed that night, they was going to kill me or turn me over to this mob. I told them I was innocent and it had been proved, but they wouldn't listen to me, and the second time they took me and beat me same as they did the first and the third. I think if I make no mistake Frank Manuel and Mack Little was there the third time I was taken out that Saturday night, they had these two boys out there, and Captain J.T. Williams and Sheriff Walter Clark they told these boys to tell just how this crime was committed, and so these boys commenced to swear untruths on me, and so when I would go to speak or say anything why Captain Williams would make me hush, wouldn't admit me to say anything to these boys or contradict anything they said against me. And so I just hushed because I knew good and well, just like they had beat me and ~~stayed~~ kept me up throughout the week, they would kill me just as they said they was going to do that night unless I did make a confession of the case, and to that third time - then they took me back to my cell and kept me there

but a very few minutes. On the fourth time they take me out and ask me the same thing, was I ready to confess and tell the truth. I told them I told the truth, all I could tell. So Captain Williams began to beat and kick me and knock me about, knock me on my knees and caused my knees to bleed, and then he took his revolver from his pocket, he said he would rather kill me himself than let the mob have me. This man, the tears was rolling from his eyes, he said he was going to kill or else do what he said he was going to do. I told him don't kill me or either turn me over to this mob, I would say what he wanted me to say, but I told him at the same time I was innocent of it, and it was against my will to say what he wanted me to say. Gentlemen of the jury, if I had been guilty of what Captain J.T. Williams and Sheriff Walter Clark and Captain Wright, Chief Maddox had me accused of, and beaten me up throughout the week, if I had made a free and voluntary confession of the case, I would have made it on the first time they beat me, which was on Sunday night, and it shows you my confession which I did make was not free and voluntary, because they beat me throughout the week and kept me up from Monday night until Sunday night, which was from the 14th to the 21st, and that's when I made the confession, or said just what they wanted me to say. I have never made a confession. I have never signed a confession to this. I have never picked up a pen to sign it; all I know I am innocent of it.

Q About what time of night was it they took you in there with Frank Manuel and Mack Little? A I don't know exactly what time it was but it was getting very late in the night.

Q Was that the fourth time you were taken out that night? A That was the third time.

Q When you finally did say anything was it what Frank Manuel and Mack Little had said about you? A I don't know what

he wanted me to say, but he wanted me to say I knew something about the death of this man, that's what he wanted me to say.

Q You say they were making accusations in there against you, Frank Manuel and Mack Little? A Yes, sir.

Q How long was it after that time before you were finally taken back in there and said you would tell what they wanted you to say? A It was but a very few minutes.

Q Was it near daylight or near midnight? A Yes, sir, it was daylight, it was about 5.30 o'clock when I told them I would say what they wanted me to say, because it was somewhere between 6 and 6.30 o'clock when Mr. Lewis F. Maire, the prosecuting attorney, came up there to take down what was said.

Q What did they do with you after that? A After they told me to say what they wanted me to say, Captain J.T. Williams just begun to prime me what I was to tell the prosecuting attorney when he come.

Q Then where did they take you? A Well, after they got through questi<sup>n</sup>g me they just kept me there until he come.

Q Kept you in the same room? A In the same room, yes, sir.

Q Did anybody else come in that room before Mr. Maire came? A Not that I know. Lot of men was in there before he came in.

Q How about the other four boys? A Yes, sir, they was brought in there.

Q You were the first one in that room? A I think I was the very first one in there because I didn't go back to my cell on the last time I was taken out

Q Now how long after that was it you were taken in court?

A That was on the 21st; it was better than three weeks before I was taken down to court.

Q You mean more than three weeks before you were taken down there for trial? A Yes, sir.

Q Weren't you taken down there for arraignment?

A Well they took me down there once to plead guilty as Captain J.T. Williams told me to do.

Q Well how long was that after this Sunday morning?

A I don't recall just how long but it wasn't but a few days.

Q Now when you got down in the court that morning did you plead guilty? A No, sir, I plead not guilty.

Q Had you seen Captain Williams any from that time on Sunday morning and the time you were taken into court?

A He was in the court room.

Q Had he come to the jail to see you any time?

A Yes, sir, he come and told me he wanted me to plead guilty before the Judge if I wanted to live.

Q What did you tell him? A I told him I would. I told him that in order to keep him from beating me up. He was killing me.

Q Now when you got in the court room you did not plead guilty? A I did not plead guilty, no, sir.

Q Now when you plead not guilty that day in open court were you taken back to your cell after that time? A Yes, sir.

Q That same day? A Yes, sir.

Q What cell were you put in the jail?

A In the same cell I was taken out of.

Q And then you stayed there for some two or three weeks before you were tried? A Well I stayed in that cell I suppose it was not more than five days I reckon. After I wouldn't plead guilty, Captain J.T. Williams came back and he took me back in the same room that he had beaten me in, and he asked me why didn't I plead guilty. I told him I just didn't plead guilty because I was innocent of what you men accuse me for, and I didn't want to plead guilty before the Judge. He told Mr. Marshall they had better take me away from there before he killed me himself. So that same night they took me then to Miami jail for safe keeping, and I stayed there I think it was two weeks until they brought me back.

Q They took you from Broward County jail alone?

A They took me from Broward County jail alone.

Q None of the rest of the boys were taken down there but you? A No one but me.



Q Who all was there that Sunday morning? A I don't know.

Q That Sunday morning when they was supposed to take the confession? A I don't know, but I know Sheriff Walter Clark, Chief Maddox, R.H. Helton, and a lot of other men.

Q And Captain Williams? A Captain Williams, he was there.

Q Why didn't you say something to these gentlemen that were there that time about 6.30, whenever it was this statement was taken?

A Well it was because Captain J.T. Williams during the time he was beating me, he told me if I didn't make the confession, say what he wanted me to say, he would shoot me and throw me out the window and swear he shot me as I jumped to run.

Q Had you slept any that night? A Not that night and I hadn't slept but a very little bit throughout the week. I had almost forgot the use of sleep.

Q You know whether Frank Manuel or Mack Little were ever put on trial in this case? A Mack Little he was put on the stand.

Q Were they ever put on trial? A No, they never was on trial. They just confessed but they are free today. They have never been on trial.

#### CROSS EXAMINATION

BY MR. SALISBURY:

Q You were arrested at the same time that Walter and Jack Williamson were arrested? A Yes, sir.

Q You were living with them? A Yes, sir, living with Walter Woodward.

Q You had been knowing them a long time? A I had been knowing Walter for more than three or four months.

Q Who do you say arrested you? A Well, Chief Maddox, Sheriff Walter Clark, Mr. Robert Clark, Mr. R.H.Helton, I recognized those, and Mr. Dick Goodrich, he was there also.

Q Was Sheriff Walter Clark along that night?

A Yes, sir, he was along that night.

Q Now you say they told you that night there was a mob after you? A Yes, sir, that's what they told me. I asked them what they wanted me for and they told me if I messed around there long I would find out.

Q They didn't tell you there was any mob after you this Sunday morning? A I had been threatened about the mob throughout the week.

Q I believe you testified that Captain Williams or they beat you throughout the week? A Yes, sir, Captain J.T. Williams.

Q Was he the one that beat you every time? A Every time I was beat except Sunday night, when Chief Maddox and Mr. Virgil Wright beat me.

Q Was that the Sunday night you were arrested? A Yes, sir.

Q All the balance of the week you were in the Broward County jail Captain Williams beat you? A In the presence of Sheriff Walter Clark.

Q Was that all night long? A Well he beat me a good bit every night and day.

Q You say Virgil Wright beat you on that Monday?

A No, sir, on Sunday night.

Q On the Sunday night you were arrested? A Yes, sir.

Q And Captain Williams was the one that beat you the balance of the week? A Yes, sir.

Q How many times did Captain Williams take you out of your cell on Saturday night and Sunday morning before you made your confession? A I was taken out four times.

Q How long did he keep you out at a time?

A I don't know exactly how long.

Q How long would you guess? A I don't have no guess because I didn't have any timepiece, but I only know he kept me out but a very short while.

Q A very short while? A Yes, sir.

Q Didn't beat you long at a time? A Not long at a time because if they had beat me long at a time they couldn't have kept on.

Q You remember testifying two previous times in this case, once when you were placed on trial on June 12, 1933, in Broward County, you remember testifying? A Yes, sir, I remember testifying.

Q You remember testifying at the same place in Broward County February 21, 1935? A Yes, sir.

Q You remember your testimony you gave in both of those cases? A Yes, sir, I remember well.

Q I will ask you if you recall when you were tried in Broward County on June 12, 1933, when Mr. Maire asked you the following questions and the following answers were given: "And these officers questioned you all week long and you denied it at first? (A) I denied about what the man told me to do, yes, sir. (Q) And when the rest of the boys went up there and admitted it why you had to do it? (A) The people didn't know exactly how it was until I come down and told it myself. (Q) If you wanted to deny it why did you wait all week before you told the truth about it? (A) I was off one day and I didn't tell it because Walter told me if I told he would kill me." You remember those questions? A No, sir, I don't remember that.

MR. GATTS: I want to object to this. Counsel for the State is asking questions that were propounded to this witness on the trial of this case when he was on trial under indictment in the case, where the issues raised were different than what are now raised before this jury.

THE COURT: Objection overruled.

Q Now, Izell, you say that Captain Williams took you out four times, you remember distinctly, on Saturday night before you made the confession? A He didn't take me out, Mr. Marshall the jailer took me out.

Q Captain Williams was the one that beat you? A Yes, sir.

Q He was the one that beat you every time?

A Every time I was taken out, with the exception of Monday the 15th of May.

Q That was the beginning of this week of beatings?

A Yes, sir.

Q Any of these other boys sitting here with you at the time Captain Williams would take you out? A No, sir, when I was taken out I was alone, with the exception of the fourth time I was carried out and told them I would say what they wanted me to say. So then they bring the three boys in.

Q You say you were only taken out for a little time Saturday night before you made the confession Sunday, for a short period of time? A Yes, sir, I was taken out a short period of time until that Saturday night, could have been ten or fifteen minutes, I don't know how long I stayed out.

Q Could it have been an hour? A No, sir, I don't believe it could have been an hour.

Q You remember testifying in this case February 21, 1935, in Broward County? A Yes, sir.

Q I will ask you if you remember this question, I will ask you if you recall these questions being asked by Mr. Maire and giving the following answers: "When did you first see Captain Williams that week? (A) He was here the whole week. Every time I was carried out he was here. (Q) Well was that at night? (A) Night and day. (Q) Captain Williams carried you out at night? (A) Yes, he was there; every time I was carried out he was there. (Q) Now getting back to this Saturday night, May 20, 1933, what time of night did you see Captain Williams? (A) All night long. (Q) Well, what time the first part of the night? (A) First part of the night, yes, sir, from Saturday night until Sunday morning. (Q) Well you don't mean now you saw him - he wasn't with you all the time? (A) All night long, yes, sir." You remember those questions and giving the following answers? A Yes, sir.

Q Is that true or untrue? A Captain J.T. Williams was with me throughout the week, with the exception of Monday night.

Q I am asking about this Saturday night?

A That Saturday night he was there all night long.

Q What do you mean by telling the jury when he took you out on the fourth time it was fifteen minutes - could it have been all night? A No, sir, I couldn't have been out there all night.

Q Then this testimony that I have just read and the answers you gave, is that true or untrue? A He was there with me throughout the night.

Q Now you want to say he was with you throughout the night?

A He was, and that's what I have been testifying to in every trial, and it is true.

Q You don't mean to tell this jury now that Captain Williams on this Saturday night that you testified to on February 21, 1935, that Captain Williams only took you out four times for ten or fifteen minutes at a time -- A He didn't take me out; Mr. Marshall took me out. He beat me four times during the night.

Q Did he beat you all night long? A He beat me each time I was called out.

Q And fifteen minutes at a time, all night long?

A He beat me each time I was carried out with the exception of the time he was questioning me, when he was trying to make me say I knew about the crime.

Q I will ask you if you recall this question being asked you: "You mean that - well, did you see him at ten o'clock that night?"

(A) Ten o'clock that night. (Q) See him at 11 o'clock? (A) Yes, sir, I seen him then. The only time I didn't see Captain Williams that night is when they carried me back to the cell to bring some of the other boys out." You remember that? A That's right; I couldn't see him when I was in the cell, because he stay in the room during the time.

Q But you did see him when he had you all night long Saturday night? A Every time he would bring me out in this room I saw Captain Williams.

Q I will ask you if at the same time and place, February 21, 1935, you recall the following questions asked you and giving the following answers: "Well Judge Tadder asked you when he went to

sentence you if you had made these confessions freely and voluntarily? (A) Well, if he did I don't remember. (Q) Oh yes; he asked you didn't he that he wanted to know if anybody had bothered you or forced you -- (A) The prosecuting attorney, he asked me that that morning. (Q) And you told him, no? (A) Yes, sir." You remember those questions and giving those answers? A I told the Judge I had been beat.

Q I am asking you if you remember the questions being asked you? A I don't remember the Judge asking me had I been beat or made a free and voluntary confession.

Q You remember the prosecuting attorney asked you that morning and you said no, you had not been beaten?

A I remember the prosecuting attorney questioning me but I don't recall just what he said.

Q And you can't recall just what you answered?

A No, sir, because what I said - Captain Williams ~~said~~ he said that, because they was going to kill me, so I forgot what he told me to say.

Q You recall every single thing Captain Williams told you, don't you? A No, sir, I don't, because what he told me to say it was untrue and I can't remember.

Q You remember enough though to get up in this court room and recite what Captain Williams had told you to say and what was taken down here in your confession? A No, sir, during the time the prosecuting attorney was there, Mr. Maire was questioning me that morning, I would forget what Captain Williams had told me to say, then he would tell the prosecuting attorney just what to say, as if it was me talking to him, and the prosecuting attorney told Mr. Williams "will you please stop interrupting me until I get through questioning him."

Q Do you mean to tell this jury that Mr. Maire, the State attorney, let Mr. Williams tell him what to put down in the confession? A He did until Mr. Maire interrupted.

Q You recall when you were taken before Mr. Maire he asked you this on May 21st: "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.\* You remember Mr. Maire, sitting here, asking you those questions and you giving those answers to Mr. Maire?

A He asked me a lot of questions, and that's the first time I ever been in a court house or jail; I don't remember now what he said. I know he questioned me.

Q You don't remember what you answered?

A No, sir, I don't remember.

Q Did Captain Williams ~~xxxxxx~~ tell you to tell Mr. Maire that people hadn't beat you? A Yes, sir, he told me to tell them just what he wanted me to say.

Q You are sure that Captain Williams told you to say that?

A Yes, sir.

Q What else did he tell you to say? A I don't know, but he just told me to tell Mr. Maire just what he wanted me to say.

Q And did he relate to you what he wanted you to say?

A He had primed me what to tell Mr. Maire before he came in.

Q Did he tell you to tell Mr. Maire you had helped hold up Mr. Darcey? A I don't think he told me that, but he told me --

MR. CATTS: Object.

Q Did he tell you to tell Mr. Maire that he hadn't beaten you ? A He told me I better not tell Mr. Maire he had beat me, or either the jury, if I did I wouldn't live.

Q When did he tell you that? A He told me the same time he was telling me what to tell Mr. Maire.

Q That was when? A On the 21st morning of May, 1933.

Q Was that the first time? A No, sir, he told me I had better not tell it throughout the night when he was telling me what to say, if I told I was either beat or forced to say anything they would kill me or turn me over to the hands of the mob.

Q This you say was Saturday night? A Yes, sir, it was on the 21st morning of May, which was on Sunday morning.

Q Do you recall the date that you made this confession before Mr. Maire? A Yes, sir.

Q What date was it? A On the 21st morning of May.

Q You remember that? A Yes, sir.

Q You remember the date that you were tried before the jury down before Judge Tedder in Broward County? A I remember when I went on the stand.

Q Before a jury? A Yes, sir.

Q Looked just like this jury, twelve men?

A There was twelve men, yes, sir.

Q You remember that date? A Yes, sir.

Q That was when? A It was on the 12th of June, 1933.

Q Did Captain Williams or the Sheriff or anybody else beat you at any time from the time you made your confession in May up to June 12, 1933? A Well from the time that I had made the confession until the 12th of June, they keep me in Miami jail until that date, and during the time I was down there in Miami jail Sheriff Walter Clark and Mr. Virgil Wright came down there to see me, while being there they told me I better not get up on the stand on the 12th of June and say I was beat and forced to say what I did say, if I did I wouldn't live to get out of the court house, they would kill me. Also Captain Williams he came down



to Miami and visited me down there, and he told me the same thing that Captain Wright and Sheriff Clark told me.

Q You mean that's why you didn't say anything on the 12th of June when you were tried? A Yes, sir, because they said they would kill me, and that's just what they said.

Q As I understand, you are telling the jury the reason that you let that period of time elapse from the 21st of May until the 12th of June; I believe you said you were in Miami jail? A Yes, sir

Q And the reason you still didn't tell Judge Tedder, you still didn't tell your attorney and you still didn't tell the jury, was because Sheriff Clark, Captain Williams and somebody else came down to Miami and told you if you did you wouldn't get out of the court house alive in Broward County?

A I told this man what they said that was appointed by the court to represent me, I told him that I had not been treated right, I had been forced to say what I said, and on my last trial in February this lawyer got up on the stand and said I didn't tell him anything, Mr. Griffis I believe is his name. He denied I had told him anything. The only thing this man told me, he told me to get up there, to just get up before the Judge and tell the Judge I was guilty, he tried to get me to plead guilty to aiding and abetting, and I told him I didn't want to; and he told me to get up and plead guilty to being accessory to the fact, and I told him I didn't know what that was, and why would I plead guilty. I think he was a very poor lawyer.

Q Well did you as a matter of fact attempt to tell the Judge, or attempt to tell the jury at your trial on June following the time you made the confession, that anybody beat you or laid a hand on you? A Did I attempt to tell him?

Q Yes. Or, on the contrary, didn't you say they hadn't?

A Well, that's why I say I didn't have a trial because if I have a trial I would have free privilege to tell what happened to me throughout the week.

Q Didn't you get on the stand and testify when you were tried in June, after the following May that you made the confession? A Beg your pardon?

Q Were you permitted to testify on the stand; you testified before the Judge? A Yes, sir, I was permitted to get on the stand.

Q When you got on the stand did you attempt to say you had been beaten when you had given that confession before Mr. Maire? A No, sir, I did not. They said if I told it they would kill me.

Q Turn around. Where did you get that scar on the back of your neck? A That scar was put on me before I got in prison.

Q They didn't do that to you? A No, sir.

Q Let's see the scar they did? A That scar right there.

Q What did they do that with? A I was kicked there.

Q Wasn't cut there? A No, sir, I wasn't cut.

Q That's from a kick? A Yes, sir, from a kick.

Q What's that on the back on the back of your neck?

A That's from a cut.

MR. GATTS: Object to that question.

THE COURT: Objection overruled.

Q Now let's get back to Saturday night before Sunday when the confession was made. I want to find out now how many times you were taken out; as I remember it was four? A Yes, sir.

Q Now can you recall about how long at a time you were kept out by Captain Williams those four times on Saturday night, before Sunday morning you made the confession? A I didn't have a timepiece, I don't know just how long.

Q Well could you judge how long?

A I might make a mistake on it.

Q Was it all night long like you said - you recollect this testimony taken in the other case? A Yes, sir.

Q Was it all night long? A I couldn't have stayed out all

night long before being taken back to my cell. I mean I was carried out throughout the night.

Q That was before you made this confession before Mr. Maire? A I was taken out three times before that.

Q Now when you were taken down in the court room when you said you refused to plead guilty; you recall that time? A When I was taken down to plead guilty?

Q Yes, and you refused to, and you plead not guilty?

A Yes, sir.

Q Wasn't Captain Williams in the court room? A Yes, sir.

Q Wasn't Sheriff Clark in the court room? A Yes, sir.

Q You weren't afraid then? A Yes, sir, that's the reason I didn't even plead guilty, I didn't plead guilty because --

Q Didn't you just tell this jury they would do all these things to you if you didn't plead guilty? A Yes, sir.

Q But nevertheless you plead not guilty?

A I plead not guilty.

Q Now why was that; did you lose your fear of Captain Williams? A No, sir, I still had the same fear, will always have that fear.

Q Then why did you change your mind and plead not guilty?

A The reason was because they was not beating me at that time, but they did say they would kill me if I didn't plead guilty before the Judge.

Q Didn't you just tell the jury before you went down to the court room Captain Williams came up to your cell and made these threats, and told you to stick to your story of being guilty? A Yes, sir, he did, but I did not.

Q You had lost your fear of Captain Williams?

A No, sir, I still had the fear and will always have it.

Q I will ask you if you remember on the last trial of this case in February, 1935, the following questions being asked you and the following answers being given: "Was Captain Williams in the court room that morning when you were tried? (A) Yes, sir,

he was in the court room when I was tried. (Q) Where was he sitting? (A) I diremember where he was sitting at. (Q) Was he sitting on the bench or among the officers? (A) He was on the seat when they called him to the stand; I remember seeing him on the stand. (Q) Did you know he was in the court room when you were being tried? (A) No, sir, I didn't know it until he came up on the stand. (Q) Well you knew it then, didn't you? (A) Yes, sir, I knew it then, but I had already been called upon the stand and went down." You had already testified by the time you saw Captain Williams in the court room? A The day I was tried they had put me in a padded cell, and Captain Williams came up there right in front of the cell that morning and told me not to forget what he had told me to say on the stand. I had seen him before I was taken down to court that day.

Q Now I want to get back again to Saturday night and see if I can refresh your memory about how long a time you were out with Captain Williams. I ask you if you remember the last time you testified on the trial of this case in February of last year in Broward County: "What time did you say they first took you out of your cell? (A) I was out all night. (Q) Didn't you tell your counsel that they had you out at 10 o'clock? (A) I was out at that time, yes, sir. (Q) Do you think they had you out as early as 9 o'clock? (A) Nine o'clock that Saturday night? (Q) Yes? (A) Nine o'clock that Saturday night I was out."

MR. CATTS: Object to the repetition. He has already asked that.

THE COURT: Objection overruled.

WITNESS: Yes, sir, I told him I was taken out about nine o'clock that night, and I told it in every statement I made on the stand.

Q Were you also taken out at ten o'clock?

A I was taken out throughout the night.

Q Were you taken out at eleven o'clock?

A I was taken out throughout the night.

Q Were you taken out at twelve o'clock? A I was taken out throughout the night, four times during that time.

Q You know Mack Little? A Yes, sir.

Q And Frank Manuel? A Yes, sir.

Q You ever had any trouble with these two boys?

A Never had any trouble with them in my life. I only saw Mack Little when I saw him in jail.

Q You have known him since then? A No, sir, I don't know him now, I only just have seen him a good bit of times.

Q You know him by sight? A Yes, sir, by sight.

(Witness excused)

Recess Five Minutes.

CHARLES H. GORDON, being first duly sworn by the Clerk, testified on behalf of the petitioners as follows:

DIRECT EXAMINATION

BY MR. CATTS:

Q Your name is Charles H. Gordon? A Yes, sir.

Q What official position, if any, do you hold in Broward County, Florida? A Deputy Clerk in the Clerk's office. I handle all the legal work, criminal jury trials, etc.

Q How long have you been Deputy Clerk in Broward County?

A Eleven years.

Q Do you know one Captain J.T. Williams, a former convict guard that testified in these cases down in Broward County, by sight? A I know a man by that name, that I understood to be J.T. Williams, a convict foreman, or foreman of a convict camp, something like that.

Q He testified in these particular cases? A I can't recall, we have been in so many of these trials that I don't remember, but I think perhaps he was in the first one, while I am not sure.

Q Will you please describe to this jury the appearance of that man, as well as you remember, and what size man, his appearance in general, and anything else that you know of his looks?

A Well, I didn't pay much attention to him, but he seemed to be a man perhaps forty or forty five years old - of course that's guess work - a reasonably large fellow, well proportioned, and I

suppose would weigh 200 or 225 pounds. He represented or appeared like he was or had a field position in charge of a convict crew, and also I think he had a couple of blood hounds that he sold later to the County.

Q Did he take the blood hounds with him?

A No, I think Broward County bought them at the time. I don't recall.

Q Just what do you mean he appeared to have a field job of a convict camp, just explain that to the jury?

A Well I understood he was foreman and had been with the State road department perhaps several years, and had been located up in this County, perhaps west of Boynton or Delray, and he looked like he would be well suited for such a position.

Q You mean by that he was a man of temper or harsh --

MR. SALISBURY: Object on the ground it calls for the conclusion of the witness, and has nothing to do with the issues involved in this hearing.

Q Just explain to the jury from anything you know or that you saw of him, the type of man he was, Mr. Gordon?

MR. SALISBURY: Same objection.

THE COURT: Has any effort been made to subpoena him?

MR. SALISBURY: He has been subpoenaed by both sides.

THE COURT: He is not here.

MR. SALISBURY: We have been unable to locate him anywhere.

THE COURT: Objection sustained.

MR. SALISBURY: No questions.

(Witness excused)

PETITIONERS REST.

ELBERT B. GRIFFIS, being first duly sworn by the Clerk, testified on behalf of the State as follows:

DIRECT EXAMINATION

BY MR. MAIRE:

Q Will you please state your name? A Elbert B.Griffis

Q Where do you live? A Fort Laudersale, Florida.

Q What is your occupation or profession?

A Attorney at law.

Q How long have you been an attorney at law?

A About eleven years I have been practicing.

Q How long have you been practicing in Fort Lauderdale?

A Eleven years.

Q Do you remember representing any of the petitioners in this case at the original trial? A Yes, sir.

Q Who? A I represented Izell Chambers and Charlie Davis.

Q Prior to the time they were arraigned did you as such attorney have any consultation with your clients? A I did.

Q You remember how many times? A Twice.

Q Who was present when you talked to them? A At the first conference there was no one present that was close enough that they could hear what we were talking of but myself and the particular defendant that I was talking to; I talked to them separately.

Q Was Captain Williams present where he could hear what was said? A No one could hear what was said.

Q Except you and your client? A Except me and the client.

Q Did you discuss the case with them? A I did.

Q Was anything said at that time about a confession?

MR. CATTS: Object to that on the ground that any communication between this attorney and any client is a privileged communication. The second ground that we want to raise and get it in the record some place - counsel has not asked the question yet, but I think it is the proper time to do it - there is nothing of record in the case to show this attorney was ever appointed by any court to represent

the petitioners, nothing in this record any place to show this attorney was ever appointed by any court to represent these petitioners.

THE COURT: Have not each of these petitioners already testified as to their conversation with Mr. Griffis and Mr. Mather?

MR. CATTS: For the purpose of the record only, we would like at this time to have the fact established in this case before this jury, that the record does disclose - the Court has the record before him - that there has never been an order which the statute requires to be entered by the Court, appointing a lawyer to represent either of these defendants in the capital case in which they were before the court.

THE COURT: Regardless of the fact that he did act as counsel for the defendants; not that he didn't act as counsel, but he wasn't appointed by the court?

MR. CATTS: Yes, sir, he wasn't appointed by the court.

THE COURT: Objection overruled. You may proceed.

(Question repeated) A Yes.

Q State what one and who you were talking to?

A Well, I talked to each one of the defendants separately, and I made the statement to each of them that I understood that the State claimed to have confessions from each one of them.

Q Did they make any statement then? A Well, I ~~asked~~ stated to them, each one of them, that if those confessions had been forced by any threats, they had been beaten or they had been promised anything, that I wanted to know it at that time. Shall I state what they said, if your Honor please?

THE COURT: If there is no objection.

MR. CATTS: We object on the ground he has never been appointed by the court to represent them, and on the ground it is privileged.

THE COURT: Objection overruled.



WITNESS: Each one of them stated to me they had not been promised anything, neither had they been forced or threatened or in any way coerced or compelled to make a confession.

Q Did you talk with them at any subsequent time, that is, before they were taken to court room to be arraigned - just a moment, did you tell them what your connection with the case was?

A Yes, sir, I told each one of them that the court had appointed me to represent them, and I also asked them if they had other counsel, or intended to get other counsel; that was before they were taken to the court room to be arraigned. After they were taken into the court room there was something said about some of them wanted to plead guilty, and at that time, with the permission of the court, we took them, Mr. Mather, who represented the other two defendants, and myself, we took them into a room adjoining the court room which they used as a witness room, and out of the presence of everybody else, we went into the question of the advisability of whether they should enter pleas of guilty or not guilty at that time. I told the two I was representing, as near as I could, what in my opinion would be the effect of their plea. I explained to them as near as I could see the advantage or disadvantage perhaps of entering the plea of guilty or not guilty. I explained to them also very fully that if any one had promised them anything, or threatened them, or in any other way to get them to plead guilty, that they must not plead guilty on that account. I specially stressed this point, that if any one had told them they would use their influence with the court to get him to lighten their sentence or punishment in any way that they must not rely - I told them first they could not depend on what was told because it would probably be by officers who were prosecuting officers of the court, and, second, that the Judge would not listen to them, anyway they never would be permitted to talk to the Judge. Immediately after that -- I will go back a little bit. I told them as far as pleading guilty or not guilty was concerned that I couldn't advise them,

and after I had told them what the effect would be, that it was up to them. I explained to them that they were each one entitled to a trial by jury. Then after this conference we went into the court room, at which time pleas of not guilty were entered by both of the defendants that I represented. That, as I remember, was about the 24th or 25th of May; the trial was set for about somewhere between the 10th and 15th of June. I talked to them afterwards as to whether they had any witnesses, whether any one knew anything about the case, and if they wanted to summon any of them; they said they didn't. I believe Charlie Davis said something about he might want to communicate with his father or some relative, and I told him to let me know about that. But each one said there were no witnesses and nobody knew anything about the case. I had no information or knowledge of anybody that could testify to anything of value to the defendants. Then I was over there another time, I saw Izell Chambers and Charlie Davis. Then one day the Sheriff came by and said that Charlie Davis wanted me to come over and talk to him. The Sheriff said he thought Charlie Davis wanted to change his plea. I went over at that time and talked to him again, and I cautioned him very carefully against listening to any promises that anybody might have made with reference to getting him to enter the plea of guilty, that is, changing the plea which had previously been entered. He told me at that time he had definitely made up his mind he wanted to change his plea, and give as his reason that he thought that the Judge would be more lenient than the jury would. Well of course you understand that the way I saw it, that having these confessions and also understanding there were no corroborating circumstances, that it was a question which I couldn't answer, as to whether the Judge would be more lenient than the jury, and his judgment on that I thought was as good as mine; I thought so at the time. Consequently, at the time the case was set for trial, and upon his express request, I asked the Court to change the plea of not guilty to the plea of

guilty. Of course Izell Chambers went to trial on that day.

Q Were they advised of their constitutional rights by Judge Tedder at the time ~~their~~ they were arraigned?

A Yes, Judge Tedder advised them of their rights.

MR. CATTS: Object to that.

THE COURT: Objection sustained.

Q Did you as their counsel advise them of their constitutional rights/arraigning? <sup>before</sup> A I also stated that and that they had a right to trial by jury.

Q Did you see any signs of fresh scars on the body of either of them? A No, sir, I did not.

Q At any time? A No.

CROSS EXAMINATION

BY MR. CATTS:

Q Did you ever have any talk with either of these boys that you now represented before the day on which they to be arraigned? A No.

Q What time of day were they actually arraigned?

A I couldn't say, but judging from the usual procedure, I would say it was some time after eleven o'clock.

THE COURT: Does the record show that date?

MR. CATTS: Yes, sir, the record shows the date.

THE COURT: What was it?

MR. MAIRE: May 24, 1933. It doesn't state the time but it was ten o'clock, I am sure, Wednesday, May 24.

Q What time on that day did you first talk to either of these petitioners, and where? A As near as I can remember, it was about nine o'clock. The court usually begins at about 9.30. As I remember I got there some half hour before the court usually opens in order to get a chance to talk to these men. As I recall, Judge Tedder notified me the afternoon before of the fact I had been appointed.

Q State the fact of that notification? A Judge Tedder, I don't know whether he was on his way up town or on his way back from up town, back to the court house, but he came by the office. At that time my office was on Andrews Avenue, second floor up, near the river. As I remember I had started up the stairs as Judge Tedder came along the sidewalk and called me, and I believe we stopped on the sidewalk there and talked.

Q And what did Judge Tedder say at that time about the case? A Judge Tedder told me that he had appointed me to defend two of the defendants.

Q Tell you which two? A I can't remember, Mr. Catts, but I have a hazy recollection he said he didn't remember which ones he had designated me to represent, but I could find out from the ~~xxxxxx~~ clerk.

Q How did you find out which two you were to represent?

A As I remember, he said I could find out from the clerk of the court, or from somebody, it was the clerk I believe.

Q Did you ever ask the clerk who you would represent?

A As I remember, I inquired the next morning of Mr. Charles Gordon, the deputy clerk, before I went upstairs to see these prisoners, and he told me the names of the ones I represented. You understand this has been three or three and a half years.

Q Now, as a matter of fact don't you know the record down there don't show that you were ever appointed?

A I don't know that.

Q Have you ever made an examination of the record?

A No, I haven't.

Q To determine that fact? A No; in fact when you mentioned it this morning was the first time I didn't know the record didn't show it.

Q Then on the morning on which they were to be arraigned which one did you talk to first? A I can't remember, Mr. Catts.

Q Mr. Griffis, did you say the first time you talked to these boys, did you talk to them alone? A I will tell you where I talked to them. There is a corrider running from the jail into the Circuit Court room. These prisoners were brought out of the jail, and were brought up to the door of the court room, and then I called each one of these prisoners off by himself, those two I represented, to the other end of the corrider, out of the hearing of the officers, who had other prisoners in charge near the door of the court room.

Q I believe you testified a few minutes ago that after the arraignment day on which both the defendants that you represented pleaded not guilty, that word was brought you by the sheriff that one of them wished to change his plea? A That's right.

Q I will ask you to state to the Court and jury if at that ~~xx~~ same time Captain Williams accompanied Sheriff Clark?

A I believe that he did. I think that's the first time that I met Captain Williams, and I was introduced to him at that time. I didn't know who the man was and I didn't know what connection he had with the case. He was with Sheriff Clark.

Q Had you from the time these boys were arraigned until the day they sent you word, or word was brought to you by the Sheriff and Captain Williams they wished to change their plea, had you in that interim talked with either of these boys?

A I don't believe I had because that was just a few days afterwards.

Q Then of your own knowledge you don't know of anything that happened to this boy during the interim that caused him to want to change his plea? A No.

Q When Izell Chambers was tried did you make an argument to the jury? A I made a short argument, and about the only argument I could make. My argument was based upon --

Q I didn't ask you that. A Pardon me.

REDIRECT EXAMINATION

BY MR. MAIRE:

Q I show you at this time a transcript of the proceed-

ings and a certified copy of the minutes of the Circuit Court, page 469. Will you examine that please, sir? (Witness examines)

Q Does that show who you were appointed to represent?

A It seems to.

MR. MAIRE: I want to offer that in evidence at this time.

THE COURT: Just stipulate and put it in the record.

MR. CATTS: I stipulate that portion of the record speaks the truth of what happened there that morning. I want to stipulate the same thing with regard to Mr. Mather. I would like to do this, I would like to stipulate to put the whole of the record in this case in. We would have to put the record in to show there is absence of any appointing.

Q After you were told that Charlie Davis wanted to change his plea, did you confer with him? A Yes, sir, I went over there and talked to him quite a while.

Q Did he make any statement to you at that time as to why he wanted to change it? A Nothing except that he thought the Judge would be lighter on him than the jury would be.

Q Did he tell you he was beat or coerced or promised anything? A He didn't state that he had been promised anything to get him to change his plea. I went into that very carefully, if he had been promised anything.

#### RECROSS EXAMINATION

BY MR. CATTS:

Q Mr. Griffis, down there at the last trial of this case that was held on the 21st day of February, 1934, at that time did you know, when you were testifying before the Court in this case, who you had represented by name? A As I recall, when the question was first asked - you see these names are all together, they were all tried down there together, and at that time I was doubtful as to one of their names. However, when I looked the men over I could pick out the face of the man I did represent.

Q You didn't know in your own mind the name of the man you had represented in the first degree murder charge?

A If you will remember these men were all together there.

Q They are still altogether, aren't they?

A Yes, sir. At the time I couldn't recall the names because each man, his name was just as important as the other. When I looked at the men I knew who they were I think.

Q The question I asked you, did you know, in the trial of the case at that time, the last trial in Broward County, the names of the two men whom you had represented in the first degree murder case? A Of course I knew Izell Chambers.

Q Did you know him by name? Did you tell the court the names of the men you had represented? A Yes, sir.

Q And did you do that in this record? A Certainly I did, but I was doubtful whether Jack Williamson or Charlie Davis was the name of the man that I represented.

Q You came to the conclusion at the last trial which particular one it was by name and by sight? A By looking at them.

Q And you found his name out at that time before that court down there in the last trial; you made up your mind definitely as to his name at that time which was some two years after the time you had represented him? A Yes, sir.

(Witness excused)

STIPULATION: It is stipulated between counsel for the State and the petitioners that the certified copy of the transcript of the record in the Broward County Circuit Court does not show the formal order appointing counsel to represent either of these petitioners (the defendants in that court) was ever entered by the Circuit Court of Broward County .

FRANK MANUEL, being first duly sworn by the Clerk, testified on behalf of the State as follows:

DIRECT EXAMINATION

BY MR. SALISBURY:

Q State your name. A Frank Manuel.

Q Where do you live? A Pompano.

Q You remember the time that Mr. Darcey was robbed and killed? A Yes, sir.

Q Did the Sheriff's officers pick you up at that time?

A No, sir, they picked me up that Sunday night.

Q That Sunday night right after Mr. Darcey was killed?

A Yes, sir.

Q Did they confine you in the Broward County jail?

A Yes, sir.

Q How long were you in jail? A I was in there thirty two days. Q During that period of thirty two days - first let me ask you, do you know Mr. Walter Clark, the sheriff? A Yes, sir.

Q Is this Mr. Clark sitting here? A Yes, sir.

Q You know Captain Williams? A Yes, sir.

Q You know Mr. Marshall the jailer? A Yes, sir.

Q You know who Mr. Bob Clark is? A Yes, sir.

Q During the thirty two days that you were confined in jail were you questioned by any of these officers I have just named regarding the death of Mr. Darcey? A Yes, sir.

Q During any time, that thirty two days period when you were being questioned, did they question you off and on?

A Yes, sir, they questioned me.

Q How long a time would you say they questioned you?

A About fifteen minutes.

Q During any of the time that they questioned you did any of these officers I have named, or any other person in Broward County jail, beat you or threaten you? A No, sir.

Q Do you know these four defendants sitting over here?

A Yes, sir.

MR. ZIEGLER: Object to this testimony, it is irrelevant and



immaterial to the issues in this case.

THE COURT: You mean the last question or the one before?

MR. ZIEGLER: The one before.

THE COURT: Objection sustained. Answer stricken.

Q You know these four defendants sitting over here?

A Yes, sir Q Where did you see them? A In the jail house. Q At the time you were confined? A Yes, sir.

Q Where were you confined in the jail; where did they keep you in the jail? A Well they kept me in the cell.

Q Where in relation to these four defendants sitting over here? A They was in there? Q In there with you? A Yes, sir.

Q Did you see them during that whole thirty two days you were in jail? A Yes, sir.

Q Did you see them every day? A Yes, sir.

Q At any time, in your presence, did you ever see any officer I have mentioned, or any other officers, or any one else in the Broward County jail, beat or threaten any of these four boys sitting over there? A No, sir

Q Did you hear anybody in the jail there, the Sheriff or Captain Williams, or anybody else, promise them anything?

A No, sir. Q While you were in the cell there with them?

A Yes, sir. Q Did you ever see any one beat any one of these boys? A No, sir.

Q Did you ever see any marks on any of their bodies?

A No, sir, no more than the same marks that was on him, on Jack.

Q What did you say? A I ain't seen no marks no more than what was on Jack, an old mark.

Q You mean you noticed these marks in jail? A Yes, sir.

Q You say they were old marks? A Yes, sir.

Q Did he happen to tell you how he got them or when?

A No, sir, he didn't tell me.

Q When did you first notice these marks?

When did they arrest you? A On Sunday night.