

Q You see the other three defendants at the same time?

A I don't think when I first saw the others that Charlie Davis was with them.

Q Where were they kept in the Broward County jail?

A Some on the third floor and some on the fourth floor. There is two separate floors there, I don't know whether they call them third or fourth or not.

Q Were you around Broward County jail the whole week following the arrest of the four defendants? A Not the whole week; off and on.

Q Were you there off and on for the whole week?

A Yes, sir.

Q At any time did you, or did any one in your presence ever strike any of the defendants with their fist or with any object, a pistol or black jack? A No, sir.

Q Any one tie a rope around any of the defendants' necks and threaten to string them up if they didn't confess? A No, sir.

Q Were you at the jail Saturday night, May 20, and Sunday morning May 21st? A Yes, sir.

Q You recall when the four defendants were questioned?

A Yes, sir

Q Where did the questioning take place?

A On the fourth floor of the jail.

Q Were they the only ones questioned that night?

A No, sir.

Q About how many would you say were questioned that night?

A I would say ten to twelve.

Q In other words, in addition to these four boys there were six or eight -- A Other than these boys.

Q Other than these four? A Yes, sir.

Q Saturday night, May 20 and Sunday morning, May 21, how long were you there at the jail? A I left the jail about six o'clock in the afternoon and was away about two hours, I think, and then I was there until about probably 1.30, and was away probably 50 minutes or an hour; and then I made another trip

to Pompano that same night around 3.30 or 4 o'clock.

Q In other words, you came there around nine o'clock in the evening? A I would say around eight.

Q Stayed there until about 1.30? A Probably 2 o'clock.

Q And left for about an hour? A Fifty minutes or an hour.

Q Then came back? A Then came back.

Q You left again around four? A Around 3.30 or four.

Q How long were you gone that trip?

A I guess about fifty minutes.

Q And when you came back did you stay the balance of the morning? A Yes, sir.

Q During that time did you, or did any one in your presence, Captain Williams, Sheriff Clark, Deputy Goodrich, Mr. Marshall, or any one else strike any of these defendants with their fist or with any other object, or did they threaten to shoot them, threaten to kill them? A No, sir.

Q Did they promise them anything? A No, sir.

Q Now you say that about ten or twelve were questioned that night? A Yes, sir?

Q Explain to the jury about how long a period of time of questioning of each one of these individuals would take?

A Oh, from ten to fifteen, or may be twenty minutes.

Q During the time they were questioned ten or fifteen or twenty minutes, did you, or any one in your presence use any force or coercion by threats made against them? A No, sir.

Q After you questioned one of them for fifteen or twenty minutes, what would be done with them? A He would be taken back to his cell.

Q Who in every instance brought these defendants and the other six or eight to this room, and who returned them?

A Mr. Marshall, the jailer.

Q Were you present when Mr. Maire and Mr. Coleman, the court reporter, and others, took the confessions of these four defendants? A Yes, sir.

Q About what time was that? A I judge around 6 or 6.30 or seven o'clock.

Q In the morning? A In the morning, yes, sir.

Q Did you have an opportunity to closely inspect all the defendants at that time? A I did.

Q You see any fresh marks or bruises or scars on their body, or any blood on their body or clothing? A No, sir.

Q What was their appearance? A Good shape.

Q Who else was present there with you that you can recall in the room where the defendants and others were being examined that night? A Me and Sheriff Clark, Mr. Marshall, Captain Williams, Mr. Goodrich was there part of the time.

Q How long a time would elapse after you would examine a particular individual until you might question him again?

A Probably long enough to question ten or twelve.

Q And about how long would you say that was? A I would say probably ten, fifteen or twenty minutes for each one, and probably be five minutes before we would get him back

Q In other words, after the questioning you mean it would take five minutes to take one back to the cell and bring another? A Yes, sir.

Q Did you ever take a little rest during the night?

A Yes, sir.

Q About how long a rest? A I would say an hour and a half or may be two hours. We had lunch and coffee.

Q Now during that hour and a half or two hours did you question, or attempt to question the defendants, or any of the others you questioned that night? A No, sir.

Q About what time of evening did you start questioning any of these negroes? A Well, you mean in the afternoon?

Q Any time you started? A Well, we questioned some of them in the afternoon, I guess it started around 3 or 3.30.

Q And did that keep up through the afternoon, or did it stop and start again later at night? A Until about 5.30 or 6 o'clock.

Q Then when did it start in again? A I got back there about eight o'clock or may be 8.30 Saturday night.

Q And then there was a period of an hour and a half or two hours when you were eating, that no one questioned any one?

A That's right.

Q Mr. Helton, while you were there did you have a chance to observe about how many hours sleep during the night these defendants had an opportunity to get? A Well, I don't know as I could say about how many hours they had, but they had an opportunity to sleep at different times, to rest.

CROSS EXAMINATION

BY MR. CATTS:

Q On this particular Saturday afternoon, before the alleged confessions were obtained on Sunday morning, which I believe you all say was around 6.30 on Sunday morning, I understand you say about 3.30 P.M. on Saturday afternoon you began questioning the several prisoners who were in jail at that time?

A Yes, sir, I came there about 3 or 3.30 that afternoon.

Q Now at the time you came there were they already questioning them when you got there? A I wouldn't say whether they was or not, I don't remember.

Q Where was this questioning going on?

A On the fourth floor of the jail.

Q Did you go on up to that room after you got to the jail? A Yes, sir.

Q And you know about what time?

A I think it was around that time.

Q At the time you got there no questioning had begun so far as you know, but you know it was going on shortly after you got there? A Well, I don't know as we questioned any of these four negroes.

Q You were questioning some prisoners in the jail

from that time on? A Not from that time on.

Q Well you started at that time? A Yes, sir.

Q And you say you questioned them until about six o'clock? A 5.30 or 6.

Q From 3 to 3.30 to 5.30 or 6; that's right is it?

A Yes.

Q And then you left and came back about 8 or 8.30?

A 8.30 or 9.

Q And what did you do when you first came back this time? A You mean when I left that time?

Q When you got back to the jail about 8.30. All right, where did you go? A I went up to the fourth floor.

Q Who did you find up there that time, what officers?

A Sheriff Clark, Mr. Marshall, Mr. Williams; I think that was all.

Q What were they doing when you got back there that night at 8.30 or 9? A I think they were questioning some of the prisoners we had there in the jail at that time.

Q And then you say you stayed there until 1.30, one or 1.30, and left, and came back about 3.30 or 4? A No. I was gone about fifty minutes, or probably an hour.

Q When did you leave? A One or 1.30.

Q 1.30 A.M. on Sunday morning? A Yes, sir.

Q Then you left and were gone about how long?

A You mean at that time?

Q Yes. A I was gone fifty minutes, or probably an hour.

Q Then you must have come back around 2.30 at that time? A Something like that.

Q Where did you go when you came back this time?

A I went up to the fourth floor.

Q Who was there at that time? A The same ones.

Q Mr. Goodrich there at that time? A Mr. Goodrich went with me, made the trip and came back with me.

Q Then how long did you stay there after you got back?

A We left there around 3 or probably 3.30, some time along there and made another trip to Pompano.

Q How long did you stay at Pompano that time?

A I stayed fifty minutes.

Q Got back somewhere around 4.30? A Yes, sir, somewhere along there.

Q And did you stay there until the alleged confessions were taken? A Yes, sir.

Q Now from the time that you were there at 8.30 or 9 in the evening to 1 or 1.30, you were there during all that time the questioning was going on? A From about 8.30 to 9 -

Q To about 1.30 the next morning you were there that time? A Yes, sir.

Q On how many occasions during that time did you see either of these boys being questioned? A Well I don't think more than one time.

Q You think you saw all of them up there at least one time? A Yes, sir.

Q Did you see any of them up there more than one time?

A I wouldn't say whether I did or not, I can't remember.

Q Did you see any of the other witnesses, any of the other persons you had in jail? A How is that?

Q Of the other six or eight persons that you said you were questioning in jail that night during this period of 8.30 to 1.30, did you see any of these persons up there more than one time during that period of time? A I don't think I did.

Q Which ones were they, or who were the other six or eight persons that you said you saw down there that night that were questioned? A Four of these witnesses we have up here.

Q Four of these witnesses outside here? A Yes, sir.

Q You questioned them back and forth on that Saturday night?

Q Can you name those four for me? A James Little, Frank Manuel, and the small one there, the small little nigger, call him Geech, I don't remember what his name is, and Willie Henderson.

Q Who were the other two or three or four they questioned that night? A I don't know as I could tell you their names, except one was from Pompano; he is not a witness here.

Q He is not here now? A No, sir.

Q You know anybody else that you know the names of?

A There was some that I don't know their names.

Q Let me ask you this question: did you question anybody from the time that you came back off the first trip to Pompano which you said you made, when you say you left about one or 1.30, and got back around 2.30, did you question from that time on anybody but these four boys? A I don't think we questioned but one or two of them in that time.

Q You think you did question one or two of these boys? I mean from the time you got back at 2.30. A I know what you

mean. I think we questioned one or two of them during that

time. Q You are sure you didn't question all four?

A I am pretty sure.

Q Which one of them did you question? A I think I questioned Charlie Davis and Jack Williamson.

Q You didn't question Walter Woodward during that time?

A I don't think from the time I left on the first trip until the next time, I don't think we questioned Walter. You said from then until we left on the next trip?

Q No, I asked you from then to daylight? A Yes, sir we questioned from then to daylight all four of them.

Q Did you question anybody else except these boys during that time, from the time you came back from the first trip to daylight, anybody but these four boys? A I don't think after the time I went to Pompano.

Q Besides these boys, they are the only ones you did question? A After that trip.

Q Were you continually questioning these boys all the time that you were there, except you don't know what happened while you were gone? A No.

Q From 1.30 on until the alleged confessions, were you continually questioning these boys, and the one boy you brought back from Pompano, until the alleged confessions were made?

A No, I made another trip to Pompano.

Q Well all the time you were there were these boys questioned during that period of time? A Except the one I went to Pompano to get.

Q Had you been questioning Walter Woodward any time between 1.30 and 2.30, until this time you were gone?

A Yes, sir.

Q Now then that takes care of the time from 1.30 until 6.30, except the time that you wasn't there. A I don't know what happened then.

Q But the time between 1.30 and 2.30 when you got back, until daylight, until about six o'clock, you questioned these boys? A No, I made another trip to Pompano after that.

Q Excluding that time, you were there all the time, you were there during the time you questioned these boys?

A We questioned the one I brought from Pompano.

Q From 8.30 until about 1.30, I say you questioned all of these boys at least once? A I think we did.

Q You questioned five, these four and the boy you brought from Pompano, making six, during the period from 8.30 until one? A We had lunch about twelve.

Q You had lunch between twelve and the time you left?

A Yes, sir.

Q You took kind of a rest during that time? A Yes, sir.

Q Then the questioning was going on between 8.30 and 9 until around twelve, midnight, when you had lunch? A Yes, sir.

Q And the lunch lasted until you went to Pompano?

A Yes, sir.

Q And all during the time now that you have related that you were there from 8.30 or 9, when you got there - just call that 8.45 for short, say about 8.45 to about twelve, you

were questioning these prisoners, and some others? A Yes, sir.

Q That's correct, is it? A Yes, sir.

Q Now from the time you got back at 2.20 or 2.30, call it 2.25, until you went back to Pompano, which was around 3 or 3.30, excluding the time you were out both times, from the time you got back around 4.30 until the alleged confessions were made - I am talking about the time you left the first time and the boy being brought back from Pompano - they were questioning during all that time that you were there present? A Yes, sir, that's when they were making the confessions.

Q They were making the confessions around 6.30, but they were the boys that you had in there, these four boys, and the one from Pompano, during that period of time, were they not? A Yes.

Q Would you say Jack Williamson was not brought up in that room and questioned that Saturday afternoon; you say some of these boys were, you don't know just who; you said you didn't think these boys? A I didn't say I didn't think any of these boys, I said I didn't remember.

Q You wouldn't say he wasn't up there? A No

Q Would you say Walter Woodward wasn't up there that afternoon? A He probably was.

Q You think he was up there that Saturday afternoon?

A I wouldn't say.

Q Would you say Izell Chambers wasn't up there?

A I couldn't say.

Q But you think probably Jack Williamson and Walter Woodward were up there Saturday afternoon? A I think they were.

Q Were you gone that night when Mr. Maire first came over there; did he get there while you were gone out, after you had come back - what do you know about Mr. Maire being there the first time?

A I was there when he came there.

Q About what time was that? A That was around 11 o'clock.

Q Eleven o'clock? A Yes, sir.

Q Who were you all questioning when he came over - the

State's attorney is the one you are talking about?

Q Yes, I know. I think it was Walter Woodward.

Q Could you be mistaken about that? A Sure.

Q Could it have been around two o'clock that Mr. Maire came over there? A It could have been.

Q You don't know whether it was before the rest period or after? A I believe it was before, but I wouldn't be positive.

Q You think it was before. Tell the Court and jury what you did during the rest period? A We had lunch and coffee, sat down and talked.

Q Who all was present - was the lunch being served to you in there in the same place where you were doing the questioning? A Yes, sir.

Q Who all was present while you had lunch? A The Sheriff, Mr. Marshall, Mr. Williams, and a Mr. Neal, I think it was.

Q Who is Mr. Neal? A That is the gentleman that was up there with us.

Q Is he one of the officers of the County? A No.

Q You, the Sheriff, Mr. Marshall, Mr. Williams and Mr. Neal. Was Mr. Goodrich there? A I don't think Mr. Goodrich was there. Q Was Bob Clark there? A It seems like he come in there. I wouldn't say positively.

Q Mr. Maire wasn't there at that time? A I don't think he was there when we had lunch.

Q Captain Williams was there, I believe you said?

A Yes, sir.

Q During the time that you were resting and having your lunch, the boys were taken back downstairs to their cell?

A Yes, sir.

Q How many times during the whole night, Mr. Helton, would you say Walter Woodward was brought up in that room and questioned by any of you? A Well, I wouldn't say because they probably brought him up there while I was away.

Q That you know of, of your own knowledge?

A Probably twice.

Q You don't think he was questioned but twice that night while you were there? A Not until he broke and wanted to tell it.

Q What time was that? A It was early in the morning.

Q It was just before daylight? A Just before.

Q What do you mean "when he broke"?

A When he started to tell it.

Q Tell just what happened to him when he broke?

A He just told us he wanted to tell it, get it off his system, he wanted to tell it.

Q How long had he been questioned at that time?

A Not very long.

Q Well about how long? A I would say fifteen or twenty minutes. Q That's as long as you questioned any of them?

A I think it was.

Q Had you been there continually during all that fifteen or twenty minutes? A You mean that he was questioned?

Q When you say he broke. Had you been there the fifteen or twenty minutes immediately preceding the time that you said he broke, or had you been in and out of the room? A I think that the first time that he wanted to talk was when I went to Pompano the last time.

Q I am talking about this time when you said he broke. Had you been there and see everything that happened for the fifteen or twenty minutes that you said he was there, had you sat there in the room all the time? A Yes, sir.

Q Who had been doing the questioning? A Captain Williams.

Q And who else? A Myself. Q And who else? A The Sheriff.

Q And who else? A I think that was all.

Q You were all questioning him then, all asking him questions during that period of twenty minutes? A I think so.

Q You had no regular procedure in asking him questions, just any one that felt like it? A Yes, sir

Q And you asked questions until you got tired, and others

took it up? I want the jury to get the picture of what happened there that night. Tell them how the questioning went on.

A Probably I would think of something to ask, and then the other men would ask him/

Q One right after the other as you thought of it each of you would ask him questions? A Yes, sir.

Q You sure he wasn't struck at that time? A No, sir.

Q Anybody down there ever accuse him of lying while you were there? A No, sir.

Q You never heard Captain Williams accuse him of lying?

A No, sir.

Q You ever accuse him of lying? A No, sir.

Q Did you ever catch him in a lie? A I had no right to catch him in a lie.

Q You were there when Mr. Maire was there the first time?

A Yes, sir.

Q How long did Mr. Maire stay there that first time?

A I guess he stayed there probably half an hour, or may be an hour. I wouldn't say how long.

Q If it happens that Mr. Maire came there around 2 or 2.30, he got there in the time you think you had gone to Pompano, don't it?

A If that's the way it turned out.

Q Still you were there when Mr. Maire came, weren't you? You are not real definite about the particular hour you have given. You didn't look at your watch to determine just what the hour was?

A I look at my watch at different times.

Q Don't you know now you got back there at 8.30 or 9, and didn't you look at your watch then? A No, I judge from the time I left home.

Q And you were there all the time that Mr. Maire was there, you were there when he got there the first time, and you were there when he left the first time? A Yes, sir. I wouldn't say I was there when he left, but I was there when he got there.

Q You think he stayed there... Yes, sir.

Q How many times would you say you took - not you but Mr. Marshall, or anybody, brought Jack Williamson up to that room that night? A I couldn't say.

Q From 8 o'clock until one o'clock? A I couldn't say just how many times.

Q I believe you have testified that each of them were brought up there at least once during that time? A Yes, sir.

Q Can you testify to this jury he wasn't brought up there more than one time? A No.

Q As a matter of fact, you wouldn't tell the jury now under oath, from your memory of that occasion, how many different times any one of these boys were brought in there, would you?

A No. Q You know they were brought up up there at least once?

A Yes, sir. Q And how many more times than once you don't know of your own knowledge? A No.

Q You do know the majority of the time in the morning from 2.30 on, that you were at the jail, you were questioning these four boys and the boy you brought back from Pompano? A Yes.

Q Were you there when Mr. Maire talked to Walter Woodward the first time he came over there? A Yes, sir.

Q Take his confession down in writing? A Yes.

Q What did he do with it? A I don't know.

Q What did he say about it? A I don't remember what he said about it.

Q You don't remember what Mr. Maire said about it?

A I don't remember what he said about it.

Q If he made a confession why did you all keep on questioning him about it. As a matter of fact, what he said that time wasn't what you wanted him to say, was it?

A It wasn't what he said the last time.

Q It wasn't what you wanted him to say, was it?

A We didn't think it was all correct.

Q You didn't think it was correct? A No, sir.

Q What part of it did you think wasn't correct? Would

you say what he told you there at that time was freely and voluntarily made? A Yes, sir.

Q Freely and voluntarily made? A Yes, sir.

Q What he freely and voluntarily told you in the way of a confession at that time, it wasn't what you wanted?

A It didn't make up like it should.

Q What matter didn't make up? A There was some things he told that couldn't possibly be true.

Q Did you investigate it to see? A If it could be done, we had it investigated.

Q What did Mr. Maire say about it at that time; did you hear Mr. Maire say at this time "tear this paper up, that isn't what I want, when you get something worth while call me", or words to that effect? A Something similar to that.

Q That did happen that night? A Yes, sir.

Q That was in the presence of Walter Woodward?

A Yes, sir.

Q That's the time you think was about eleven o'clock at night? A I didn't say just what time it was.

Q You think it was before you ate? A I believe it was, I wouldn't be positive what time.

Q Would you say it was before or after you came back from Pompano the first time? A I think it was before I went to Pompano the first time.

Q You think it was before you went to Pompano the first time? A Yes, sir.

Q Did you see any of these four boys here, the petitioners, that night any place other than in the room where you were questioning them? A No, sir.

Q Then so far as you know of your own knowledge they didn't get any sleep; if they say they didn't get any sleep, they didn't get any sleep so far as you know? A They were taken out of the room.

Q They didn't sleep when you were questioning them? A No.

Q You don't know what happened the rest of the night

when they weren't in there where you were? A No.

Q I believe you testified on direct examination that you were around the jail quite frequently that week? A Yes, sir.

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

Q How many times would you say you were down there that evening? A Four or five different times.

Q In the day or night? A Mostly in the day time.

Q On any of these four or five occasions that you were down there during the week, did you see either of these defendants? A I saw Jack Williamson.

Q Was he the only one you saw the whole of that week?

A I believe I saw Charlie Davis, but I don't know that I saw any of the rest during that week.

Q Where did you see these two boys? A I see Jack Williamson down in the Sheriff's office one time; I see Charlie Davis up in the cell.

Q Mr. Helton, as a matter of fact all during that week, up there in the same place that you were on that Sunday morning when the confessions were made, some of the officers during practically the entire week were questioning some one in this case up there in that room? A I don't think during the week, except Jack Williamson and probably Izell Chambers.

Q You don't know of your own knowledge now any examination or questioning that was done of any of these boys during the whole week except Jack Williamson and Izell Chambers?

A In my presence, yes, sir.

Q You do know they were examined during that week in your presence? A Those two, yes, sir

Q But as to all these people they had in the jail, weren't they questioning them during the whole of the week, some of them at different times all during the week; every time you were down there wasn't somebody questioning ~~for~~ some of them?

A Every time I was down there they were questioning some of them.

Q Some of these people; they had twenty or thirty of them in jail? A Must have had about 32.

Q And during every one of these times you were down there they were questioning some of these thirty two? A Yes, sir

Q You were down there on at least four or five occasions during the week? A I wouldn't say just how many; four or five.

Q Did you see Captain Williams down there every time you went down? A He was there probably twice when I went down there.

Q You say you went down there in the day time? A Yes, sir.

Q And was it night the times you saw him there?

A I think it was.

Q How long would you stay down there when you would go down there on the four or five different occasions?

A How long would I stay there; probably three or four hours.

Q And during most of the time you were there they were still investigating this homicide and examining some of these thirty two people they had under apprehension all during the four or five times you went down there at different times during the week?

A Yes, sir.

(Witness excused)

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

Wednesday, October 14, 1936.

M O R N I N G S E S S I O N
Wednesday, 9 o'clock
October 14, 1936.

ROBERT L. CLARK, being first duly sworn by the Clerk,
testified on behalf of the State as follows:

DIRECT EXAMINATION

BY MR. MAIRE:

Q Mr. Clark, did you hold any official position in Broward County on the 13th day of May, 1933? A Yes, sir.

Q What official position was that? A Deputy sheriff.

Q Are you related to Sheriff Walter R. Clark of Broward County? A Yes, sir.

Q What relation are you to him? A Brother.

Q You know these petitioners, any one of them, when you see them? A Yes, sir.

Q Which ones do you know? A I know all of them.

Q Did you have anything to do with the arrest of any of them? A Yes, sir.

Q Which ones? A I arrested all of them.

Q Were any of them placed in the Pompano jail after they were arrested that you know of? A No, sir.

Q None of the four? A No, sir. Yes, I beg your pardon, Charlie Davis.

Q What about the others? A The other three were not.

Q Where were they taken when they were arrested, if anywhere? A To Broward County jail at Fort Lauderdale.

Q What other officers were with you when you arrested them? A Dick Goodrich, Chief of Police at Pompano, Mr. Maddox, and Mr. Helton, Mr. Bert Helton, I don't know his initials.

Q And were you present with the petitioners that were arrested, at a time after they were arrested, with other officers?

A Yes, sir.

Q Did you ever see Chief Maddox beat Izell Chambers after he was arrested at Pompano? A No, sir.

Q Did anybody beat any of these petitioners at the time they were arrested? A No, sir.

Q Did you, or anybody in your presence, at that time beat, threaten, strike, kick or illtreat any one of them? A No, sir.

Q When did you first see Charlie Davis? A Saturday night or early Sunday morning of the night the crime was committed.

Q Did you go to the Pompano jail by yourself that night? A Yes, sir. Q Was Captain J.T. Williams ever there at any time you were there? A Yes, sir

Q Did Captain Williams hit or beat or strike or threaten any of them in the Pompano jail while you were present? A No, sir.

Q Did anybody else in your presence? A No, sir.

Q What was done with these petitioners when they were brought to the Broward County jail, if you know? A I brought these three, Williamson, Woodward and Chambers and placed them upstairs in the jail and left them there.

Q What part of the jail? A I believe they were separated, some on the third floor and some on the fourth floor; I am not positive.

Q Were any of them taken in the Sheriff's office at that time? A No, sir.

Q Do you know whether or not at that time any one of them was taken in the Sheriff's office and knocked up against the wall?

A They weren't stopped at the Sheriff's office, they were taken right through the jail.

Q What floor is the Sheriff's office? A In the basement.

Q What floor is the jailer's quarters on? A Third and fourth floor.

Q Did any one in your presence, at the time any of these petitioners were arrested, force them to try to run? A No, sir.

Q Did you, or did anybody in your presence, at the time

tell them that they had to run because if they didn't they would be lynched? A No, sir.

Q Or that they were in danger of any kind of mob violence?

A No, sir. Q Did you ever hit Jack Williamson with a pistol?

A No, sir. Q Did you see them during the week after they were arrested there in the jail? A I may have seen them. I was in and out of the jail at times, I may have seen them there.

Q Did you have anything to do with any questioning of any of the petitioners? A No, sir.

Q At any time, from the time they were arrested, right up until the present time, have you personally ever hit, struck, beat, kicked, hit with a rubber hose or club, or with your fist any of these four petitioners? A No, sir.

Q Has any one ever done that in your presence? A No, sir.

Q Have you, or anybody in your presence, at any time ever threatened any one of them? A No, sir.

Q Have you, or anybody in your presence, at any time ever made any inducements or promises to them to induce them to make a confession? A No, sir.

Q Have you, or any one in your presence, ever tied a rope around the neck of any of them and pulled them up while others were beating them in order to force a confession out of them?

A No, sir. Q Did you or Captain Williams, or anybody else, mistreat them in any way? A No, sir.

Q Were you present on Saturday night or Sunday morning ~~from~~ May 21, 1933, when the alleged confessions were taken from them? A No, sir.

Q Were you present at the jail any time that night?

A No, sir.

Q Where were you, Mr. Clark? A I don't remember the exact place. I was probably outpatrolling in the line of duty.

Q Do you know when the confessions were supposed to have been taken? A I heard they were taken early Sunday morning.

Q How soon was it after that before you saw any of them?

A I don't know whether I saw them Sunday. I know I saw them Monday.

Q You swear you saw them the following Monday? A Yes, sir.

Q At the time you saw them Monday did you see any signs of bruises or fresh scars on the person of any of them? A No, sir.

Q Or any blood upon them or upon their clothing and their body? A No, sir.

Q Did you see anything at that time that would indicate they had been beaten, maltreated or injured the Saturday night preceding? A No, sir.

Q Did they ever make a statement to you at any time to that effect? A No, sir.

CROSS EXAMINATION

BY MR. GATTS:

Q Mr. Clark, about what time of night was it that you arrested these three boys? I believe you said you were there when they were arrested, but you arrested only these three?

A The early part of the night Sunday night.

Q Where did you find the boys at the time when you arrested them? A In a little house in Blount's quarters at Pompano.

Q Who all was with you at that time? A Mr. Helton -

Q That's constable Helton? A No, sir, brother of the constable. Mr. Goodrich.

Q He is a deputy sheriff? A He was at that time, and Mr. Maddox. Q He is Chief at Pompano? A He was at that time.

Q When you first went to this place that night, how did you get in the house? A I went to the back door of the house with one of the other officers, and two of them went to the front door, and they came and opened the back door when I came in.

Q The other officers actually went into the house before you did? A The ones that went to the front, yes, sir.

Q Who made the arrest at that time, if you know? Was the arrest made after you came in or before you came in?

A They were talking I think before I came in.

Q Who put the handcuffs on these boys that night?

A I don't remember.

Q You put any handcuffs on any of them? A I couldn't swear to it; I possibly did.

Q Did you have any handcuffs with you? A I think I did, I am not positive about that.

Q That was Sunday night? A Yes, sir.

Q What did you tell these boys when you arrested them, or what did any officers tell them in your presence at the time of the arrest? A They told them they were under arrest.

Q Anything else? A I don't recollect the exact words.

Q Well the substance of what you told them at that time; tell them what you arrested them for? A I don't think so.

Q Have any trouble getting them up? A No.

Q Were they in bed when you went there? A I think one or two of them were in bed when I went in the house; I am not positive. Q Who woke them up, these two?

A They weren't asleep, I don't think.

Q Did you see Mr. Goodrich hit one of them on the foot with a black jack? A No, sir.

Q Would you say that didn't happen after you went in the building? A I don't think it did.

Q That happened you think before you went in the building? Mr. Goodrich said he did tap one of them on the foot with a black jack; you think that happened before you went in the building? A It may have.

Q If it did at all, it must have happened before you went in there? A Must have.

Q You didn't hear what the officers said to them before you went in? A No; just a matter of a few seconds.

Q How far away did you park your car from this house?

A I don't know; may be 75 or 100 feet, I believe; I am not positive.

Q You have any other prisoners with you at that time?

A Yes, sir. Q Who? A Frank Manuel.

Q Where was he? A We brought him up near the house, left him right within a few feet of the house.

Q Did you handcuff him to the machine, to an old automobile out there? A I think some one did.

Q You didn't leave him sitting in the back of your car with Mr. Goodrich to watch him while you went in and made the arrest? A No, sir.

Q If he says that's what happened, he is mistaken?

A Yes, sir.

Q On the way back to your car after you made the arrest did you pick Frank Manuel up again; you go by there with these prisoners where he was? A Yes, sir, Frank was taken in with these other prisoners.

Q Did any of the boys come out of that house that night without their shoes? A I don't think they did.

Q You know Walter Woodward, don't you? A Yes, sir.

Q You arrested him there that night? A Yes, sir.

Q As a matter of fact he didn't have on any shoes at all and didn't have any around the jail for some little bit after he was arrested, did he? A I think one of the boys when they got near to the car mentioned he had lost his shoe after he left the house and wanted to go back, I believe that's what he said, but we wouldn't take him back to hunt his shoe.

Q Did he have on one shoe then? A I think that's correct.

Q You take them to the jail and you search them?

A Yes, sir.

Q Isn't it customary with you to search these prisoners?

A Yes. Q Now can you tell whether he had shoes or not?

A I remember one of them mentioning at the time we got between the house and car, saying he had lost his shoe.

Q Did you look at him that night in jail to see whether he had on his shoes? A I couldn't remember. We arrested some

without shoes sometimes. I don't remember whether all these boys had on two shoes or not.

Q Were you in a hurry about getting these boys out of the house that night? A Not particular. We were quite busy about that time; we made several arrests.

Q When you arrived there you might have been on account of some other arrests, or the fact you were busy; is that the idea? A Yes, sir.

Q Wasn't afraid of any mob violence? A No, sir, I don't think so. I can't say we were afraid of any mob violence.

Q Can you say you were, or can you say you were not?

A I was not.

Q Did you take them on down to Dade County on Monday or Tuesday? A We took some down there one day.

Q Were you afraid of any mob violence then?

A That was the orders from the Sheriff.

Q Wasn't with any idea of this they were taken down?

A I don't think so.

Q You know Captain J.T. Williams, don't you? A Yes, sir.

Q You see him Saturday night - were you around Pompano Saturday when Davis was arrested? A Yes, sir.

Q You made the arrest yourself? A Yes, sir.

Q Who else helped make it? A Chief Maddox.

Q Any one else? A I think not.

Q What did you do with Davis after you arrested him?

A Took him to Pompano city jail.

Q You see Captain Williams up there that night?

A I saw him several times.

Q Saturday night? A Yes, sir.

Q Where did you see him? A I saw him most of the time out in the fields or in the woods with the blood hounds he had there.

Q You ever see him around Pompano jail that night?

A I may have, but if I did it was just a short time;

he was working with the dogs most of the time.

Q You know you saw him on more than one occasion on that Saturday night? A Yes, sir, on Saturday night and Sunday morning.

Q At the last trial of this case, Mr. Clark, which was held in the County court house at Fort Lauderdale in February, 1935, was this question asked you: "When did you first see Charlie Davis"? And your answer: "I saw him Saturday night, the 13th". Was that question asked you down there that time?

A It may have been, yes, sir.

Q The next question is: "Where? (A) Pompano jail." Was that question asked you and that answer given by you?

A I don't think it was.

Q The next question: "Who else was there? (A) Well Chief Maddox and I think several other people." You remember that question being asked you? A It could have been.

Q Well do you remember? A No, sir, I don't remember the exact answer I gave to questions a year and a half ago.

Q You don't remember any of your answers at that time?

A I don't remember the exact words.

Q Was this question asked you: "Was Captain J.T. Williams there when you saw him? (A) No, sir, don't think he was. (Q) Do you know whether or not Captain Williams saw him there that night or not? (A) I don't know whether he did or not." Were those questions asked you, do you remember? A I expect they were, yes, sir.

Q Are all of those questions and answers now true or false? A I expect they are true.

Q You don't mean to tell this jury now the first time you saw Charlie Davis was at Pompano jail, do you? A No, sir, I arrested Charlie Davis that night.

Q Was this question asked you: "How often did you see the four petitioners or any of them after they were placed in the Broward County jail? (A) I don't remember seeing any of them."

A Yes, sir, I answered that question that way.

Q I believe I understood you to tell the jury a while ago you thought you had seen them some time from the time they were put in jail ~~until~~ until the following Sunday morning? A We had fifty or sixty prisoners in jail and I was through there several times. I don't remember the particular niggers I did see.

Q You don't remember any particular occasion when you see any one of these boys from the date they were arrested until Sunday morning? A I probably saw --

Q I didn't ask you what you probably did. Do you remember whether you did or did not see any of these boys during that time? A I couldn't swear I saw any of them.

Q You don't know anything of what happened to these boys during that period of time, do you, of your own knowledge?

A No, sir.

Q Where they were kept, whether they were all kept together, or whether separate, or how often they were taken out of their cells, you are not familiar with it? A No, sir.

Q Who is Captain Williams? A He is a man I met about that time, or a little while before that.

Q Where did you meet him? A In Fort Lauderdale.

Q Was he an officer of Broward County?

A No, sir, I don't think he was.

Q Was he an officer of the law of any kind?

A I don't know about that, sir.

Q Well now do you know what his business was at that time? A He appeared to be a State convic guard.

Q You know where he was stationed at that time, just prior to the time he came down on this case?

A I think west of Boynton.

Q In Palm Beach County? A I believe so.

Q And you did see him on several occasions on Saturday night? A Yes, sir.

Q That was the Saturday night when Charlie Davis was arrested? A Yes, sir.

Q How large a man was Captain Williams? A He was a short heavy-set fellow, probably five feet 6 or 7 tall, may be.

Q How much did he weigh? A 200 pounds, may be 215, or 220. Q As large as you, was he just about your size?

A About my weight; he wasn't as large a man.

Q Not as tall as you are? A No.

Q But weighed about the same? A I think so.

Q During the time he was down there did he carry a pistol when you saw him around Pompano that night, or side arms of any kind? A I saw him armed several times, but I am not positive about that night.

Q You don't know what particular times you saw him armed or unarmed? A I know I see him armed some other times when he was down there with his convicts several times.

Q Now during this investigation on Saturday night until the next Sunday morning, during the time you saw him there, was he armed or unarmed? A I couldn't say I ever saw him armed at that time.

Q Well you saw him, didn't you? A Yes, sir.

Q Was he armed or was he not? A I wouldn't be positive about that.

Q Never saw him with a pistol? A I wouldn't say I hadn't seen him with a pistol.

Q You see him with a black jack? A No, sir, I never saw him with a black jack.

Q I believe you testified when these prisoners were taken to the jail, these three boys, the whole four were not taken down at the same time? A No, sir.

Q Shortly after the three were arrested you took them to Broward County jail; who went down in the car with you? A Williamson and Woodward.

Q And when you took them to the Broward County jail, I believe you said they were separated. Did you yourself conduct

them to the cells, or did you turn them over to the jailer?

A I don't remember about that.

Q You testified a few minutes ago that they were separated when you took them over to the jail there in Broward County, didn't you? A As a rule, if several prisoners are charged with the same offense they are separated, as these boys were, but I wouldn't be positive about it.

Q You don't have a direct recollection now in your mind of any of these particular matters that you are testifying to, do you? A I remember the arrest very distinctly.

Q Well now some things about the arrest you don't remember very well; you don't remember what was said to them after you went into the house, and the other details I asked you about, you don't remember about that. It isn't as fresh in your memory right now just what you did. You don't remember whether you took them to the cells or whether the jailer took them there; you don't remember now whether they were put in separate cells? A I went upstairs with them, but the jailer may have been there.

Q Did you separate these boys, or did you not separate them when you put them in the cells, either you or the jailer?

A I wouldn't say positively.

Q Did you at any time see Captain Williams at Pompano jail on Saturday night? A I saw him in Pompano several times.

Q But at the Pompano jail, do you now remember whether you saw him at the jail? A I couldn't say.

Q You are sure now you did arrest Charlie Davis?

A Yes, sir.

Q And if the record shows, the transcript of testimony by the court reporter at the last hearing, you said the first time you saw Charlie Davis was in Pompano in jail, that's a mistake? A He was arrested --

Q I am asking you about the record, if that record shows your statement at the last hearing in this case in February, 1935, that the court reporter's record shows that you said at

that hearing the first time you saw Charlie Davis was at Pompano jail, then that record is wrong; did you say that or did you not say that? A I expect I did, because he was arrested almost at the Pompano jail, he was arrested just a very short distance, within a block of the Pompano jail.

Q Did you arrest him? A Yes, sir.

Q Then the first time you saw him wasn't at the Pompano jail, was it?

A The first time I saw him was in his house.

Q That's what you tell this jury, that the first time you saw Charlie Davis was in his house, about a block away from the jail? A Yes.

(Witness excused)

LOUIS F. MAIRE, being first duly sworn by the Clerk, testified on behalf of the State as follows:

DIRECT EXAMINATION

BY MR. SALISBURY:

Q Please state your name. A Louis F. Maire.

Q What was your official position, if any, in May, 1933? A State's attorney for the Twenty Second Judicial Circuit of Florida, in and for Broward County.

Q Mr. Maire, do you remember the occasion when a Mr. Darcey was robbed down in Pompano, Florida? A Yes.

Q You remember the occasion when an investigation was being undertaken by the Sheriff's office and yourself in connection with that? A Yes, sir, I do.

Q Have you ever seen these four petitioners sitting over there before, Charlie Davis, Chambers, Woodward and Williamson? A Quite often; quite frequently, yes, sir.

Q Mr. Maire, do you recall the time that you were called in to take confessions from these four petitioners?

A Yes, sir, I do.

Q Do you recall what day that was? A The first one

I saw Walter Woodward; that was early on Sunday morning, I believe, the 14th day of May.

Q Where? A In my office in the Broward County court house. Q What was his appearance when you saw him that morning? A Just as good as it is right now.

MR. CATTS:

Didn't you make a mistake when you said the 14th of May?

WITNESS:

It was early Sunday morning of the 21st, that's right, Mr. Catts. Thank you.

Q What was his appearance? A Normal.

Q You see any fresh bruises or cuts or abrasions, anything of that description on any part of his body that was exposed? A Not a one, no, sir.

Q Did you see the other three petitioners?

A Not at that time.

Q Later, did you? A Yes, at 6.30 o'clock that Sunday morning.

Q You saw Walter Woodward earlier? A Yes.

Q In your office? A Yes. And by the way, we took him not on the floor of the jailer's quarters, it was on the floor below.

Q Did you have any talk with Walter Woodward?

A Oh, yes.

Q Was any one present when you talked to him?

A Part of the time.

Q Did you at any time take him in your private office alone and talk to him? A I didn't take him in my private office alone, but I asked the other officers to step out while I talked with him alone.

Q You did talk to him alone? A I did.

Q Did you caution him as to his conduct?

A I did.

protect people, the same as it was to prosecute them. I asked him if he had been mistreated, beat, bruised, threatened or coerced in any way. He said that he had not. I said "now, you needn't be afraid to tell me the truth, because if anything like that has happened, if you will tell me I will go to Circuit Judge Tedder and have you removed to some other jail for your own safety and protection. He told me right then and there that nothing like that had happened. Then the officers came in and we questioned him.

Q Mr. Maire, do you make a practice of warning every one, or cautioning every one in that same manner before they attempt to make a confession? A I always do, Mr. Salisbury.

Q Now did you see all four petitioners later; I believe you said you did? A I did.

Q About 6.30 in the morning? A Yes.

Q What was their appearance at that time?

A Their appearance was normal.

Q Did you see any fresh wounds, cuts or abrasions of any description or character on any part of their body?

A Not a one, sir.

Q Did you have a conversation with them in which you warned them of their constitutional rights? A I did, every one of them, in the presence of each other, and every one of them singly.

Q It has been stipulated and agreed between counsel that the first two pages and the first three lines of page 3, as well as the last half of page 29, shall be introduced in evidence. I will ask you to read to us the questions and answers that were given at that time by each of these defendants.

A Testimony of Jack Williamson, Izell Chambers, Walter Woodard and Charlie Davis taken in the presence of B. B. Johnson, W.F. Ford, W.C. Goodrich, Walter R. Clark, R.C. Helton, A.D.

Marshall, H.H. McNeal, J.T. Williams, Louis F. Maire and J.W. Coleman, Court Reporter, on Sunday, May 21, 1933, at 6.30 o'clock A.M. By Mr. Maire: Q Your name is Jack what? A Williamson. Q Jack Williamson? A Yes, sir. Q Jack, do you want to make a statement about a case involving the robbery of Mr. Darcey at Pompano on Saturday, May 13th, 1933? A Yes, sir. Q Has anybody mistreated you in any way to induce you to talk, anybody beat you or hit you or anything like that? A No, sir. Q Has anybody promised you any reward or anything at all to get you to talk? A No, sir. Q You want to make a statement just to tell the truth about it in the presence of all these men? A Yes, sir. Q And your name is Izell Chambers? A Yes, sir. Q Do you want to tell about the case involving the holdup of Mr. Darcey at Pompano on Saturday May 13th, 1933? A Yes, sir. Q What you are going to say you are going to say it because you want to say it and not because anybody has beat you or abused or hurt you or anything? A No, sir. They haven't. Q In order to get you to make a statement has anybody promised you anything, any reward or favor? A No, sir. Q Nobody has mistreated you, beaten you or abused you in order to induce you to make a statement? A No, sir. Q And whatever statement you make you are making it of your own free will and accord, voluntarily and of your own free will? A Yes, sir. Q Your name is Walter Woodward? A Yes, sir. Q Do you want to tell about this occasion too when Mr. Darcey was robbed on Saturday night May 13 at Pompano? A Yes, sir. Q Has anybody promised you any reward or anything to get you to talk? A No, sir. Q You just want to talk because you want to tell the truth about it? A Yes, sir. Q Charlie Davis, do you want to make a statement and tell what you know about the holdup of Mr. Darcey at Pompano on May 13, 1933? A Yes, sir. Q Has anybody beat you or forced you in any way to make the statement you are about to make? A No, sir. They have not. Q In order to induce you to make a statement has anybody promised you any reward or anything to get you to do it? A No, sir.

Q You want to make a statement freely and voluntary, of your own will? A Yes, sir. Q And tell the truth about it? A Yes, sir. Questions by Mr. Maire: Q Now boys, in the presence of all these people that are here now, I am talking to all of you now; the statements that you have made here in the presence of these men, you are making these statements of your own free will and accord, is that true? A Yes, sir. Q You want it left just that way? A Yes, sir. Q You have told the truth about it? A Yes, sir. Q And nobody has beaten you? A No, sir. Q Nobody has threatened you? A No, sir. Q Nobody has promised you anything? A No, sir. Q Nobody has done anything except question you about it, is that it? A Yes, sir, that is it."

Q Now will you read the latter part of page 28?

A This was after the boys had all been questioned.

Q Who was asking the questions? A I am. "QI want to ask Izell Chambers another question. Izell Chambers was asked and answered as follows: Q Izell did you hear Jack Williams in the presence of all of you four boys admit that he also hit Mr. Darcey? A He spoke it, yes, sir. We heard that. Walter Woodward was asked and answered as follows: Q Walter Woodward, did you hear Jack Williams make the statement in the presence of all you boys that he hit Mr. Darcey? A Yes, sir.

Q Now, Mr. Maire, refer to the first page, which is also stipulated in the record, and state what witnesses were present at the time those questions were asked and they gave those answers? A B.B. Johnson; he is the gentleman that testified yesterday, I believe.

Q Is he a law enforcement officer? A No, sir. Private citizen. W.F. Ford, W.C. Goodrich, deputy sheriff, Walter R. Clark, R.C. Helton, who was constable at Pompano, A.D. Marshall, the jailer, H.H. McNeal; I don't believe he was an officer, I had never met Mr. McNeal before. J.T. Williams, Mr. Coleman, the Court Reporter, and myself. That's every one that was there besides the petitioners; Chief Maddox was not there, neither was Robert L. Clark.

Q Now at that time I believe you said you couldn't see any marks or signs of violence on any of these four petitioners? A Not a one.

Q Were you likewise present when they were arraigned in court? A Oh, yes.

Q What was their appearance then? A Normal.

Q You see any marks of violence on these four petitioners? A No, sir. I had a better opportunity to observe them at the time the confessions were taken, for the simple reason that Charlie Davis didn't have on a top shirt, you could see his whole shoulders; he had on this cutaway B.V.D. undershirt, and you could see his shoulders and arms and hands and his head. The others, some of them, had on shirts, I can't say at this time which one of these boys, but their heads were visible. In the court room, of course, they had on top shirts.

Q Did you see any marks, scratches, bruises or abrasions of any character or description that was comparatively fresh on their heads, or on the body of Charlie Davis when that confession was given? A No fresh scars, no fresh marks or blood of any kind.

Q Did you see any when he was arraigned in court?

A No, sir.

Q How about Jack Williamson, see any on him? A No, sir.

Q At any one of these times? A No, sir.

Q And how about Walter Woodward? A None on him.

Q How about Izell Chambers? A None on him. There were some old scars on them that they have right now.

Q And you say you had an opportunity at the time you took these confessions to examine them at that time? A I not only had the opportunity, but I did, Mr. Salisbury. I want to say one other thing while I am up here.

MR. GATTS: We object.

MR. MAIRE: May I ask my own self a question and answer it?

THE COURT: I think you better answer questions. You may be recalled, if necessary.

CROSS EXAMINATION

BY MR. CATTS:

Q Mr. Clark, were you over at the jail all night of Saturday night? A This is not Mr. Clark, but I wasn't there.

Q Mr. Maire? A No, sir.

Q You were not over to the jail on that particular Saturday night? A No, sir.

Q The negro cook that served the sandwiches is mistaken?

A Yes, if he says that I was there all night, he is mistaken.

Q You heard him say that? A I think he said that.

Q Were you over there at 11 o'clock that night?

A No, sir.

Q Mr. Helton is mistaken when he said in his opinion you were there at eleven o'clock? A Yes, sir

Q What time did you come to the jail the first time that night? A It was between 2 and 3 o'clock in the morning.

Q How long did you stay then? A Not over an hour and half.

Q You think you were there between 2 and 3 and stayed there an hour and a half? A Possibly between an hour and hour and a half. I will say I wasn't there over an hour and a half.

Q When did you next come to the jail? A About 6:30 in the morning.

Q The first time when you were in the office and Walter Woodward was in your office alone at 2.30, and you asked the officers to leave the room; which officers did you ask to leave the room? A Mr. Marshall and Mr. Helton.

Q And who else? A Mr. Walter Clark may have been there.

Q And did you see Captain Williams at that time?

A Yes, Captain Williams was there.

Q Was he down in your office? A Yes, sir.

Q He was there again the next morning at 6.30 when you came back? A He was there.

Q You ask him to leave the room? A The first time --

Q I am talking about the 2.30 occasion? A Yes, sir.

Q You ask all the other officers to leave the room; you shut the door? A I can't say I shut the door.

Q Were the officers within hearing of what you were saying to these men? A No, sir, they couldn't hear it.

Q They couldn't hear what you said? A No, sir.

Q How many times that night did you call up the County jail in connection with this investigation? A Not a single time.

Q How many times were you called ~~in~~ by the county jail that night? A Once over the phone, that was the first time I went, and the next time Mr. Goodrich came to my house and I went at 6.30 in the morning.

Q Had you up to this time taken any part in this investigation before you were called at 2.30 that morning? A No, sir.

Q That's the first you had, as State attorney, taken any action in this investigation when you were called at 2.30 in the morning? A I believe I had talked to this Mack Little prior to that time.

Q Where did you talk to Mack Little? A In my office.

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

Q Day time or night? A Day time.

Q You recall any other party you talked to?

A No, that's all.

Q I believe you said you were State's attorney for the Twenty Second Judicial Circuit at that time? A Yes, sir.

Q And when you dismissed these officers from your office about 2.30 in the morning, and had a conversation with Walter Woodward, you said you felt it was your duty to tell him it was also your duty to defend as well as to prosecute; you sure you told him that? A Absolutely.

Q And you felt that in your mind and in your soul it was your duty to defend as well as prosecute? A Yes, sir, and I feel that way now.

Q And you told him at that time if he had been mistreated you would have him removed to some other jail by bringing it to the attention of the Circuit Judge? A Yes, sir.

Q At that time were you familiar with the provisions of our constitution that prohibits a defendant charged with a capital offense from giving testimony against himself? Were you familiar with that particular law on it?

A Prohibiting him from doing it?

Q Or prohibiting the officers from compelling or requiring him to give testimony against himself? A That's right.

Q Were you at that time familiar with that provision of the law? A Yes, sir.

Q Did you at that time tell him his rights in that respect? A I told him that he didn't have to make a statement at all with reference to it.

Q Did you tell him that the constitution of this country gave him that right? A I didn't tell him the constitution did, I told him what the constitution said.

Q What did you tell him? A I told him he didn't have to make any statement at all, that he didn't have to say one single solitary thing if he didn't want to; he couldn't be made to make a statement or testify in any manner.

Q Did you tell these four boys this the next morning?

A No, sir, I read the questions to them.

Q Now were you still feeling the same duty to defend the next morning? A Yes, sir.

Q Did you tell the boys at that time that the constitution gave them that protection? A I told them just this --

Q (Question repeated) A No, I didn't.

Q Still you felt it was your duty to defend as State's attorney, the same in the morning at 6.30 and you did at 2. o'clock that night? A Yes, sir.

Q Are you familiar with the principle of law, and were you at that time familiar with the principle of law that prohibits the prolonged questioning of people charged with a capital offense, without rest, by officers of the law?

A Oh, yes.

Q Did you advise them of that at the time, of that right that they had in that respect? A I did not; there was nothing to indicate they hadn't had any rest.

Q They were awake at 6.30? A Yes, sir, so was I.

Q You had some sleep? A Yes, three hours that night.

Q And they were at least awake at 2.30?

A Yes, sir; so was I.

Q Was the fact that you were called over there at 2.30 and again at daylight that morning any indication that these boys had been kept up all night? A No, sir, it was not.

Q That didn't suggest to your mind that these boys had been kept up all night? A No, sir, and doesn't yet.

Q Doesn't yet? A No, sir.

(Witness excused)

WALTER R. CLARK, being first duly sworn by the Clerk, testified on behalf of the State as follows:

DIRECT EXAMINATION

BY MR. MAIRE:

Q Mr. Clark, what official position did you hold in Broward County on the 23rd day of May, 1933?

A Sheriff of Broward County.

Q Do you know the petitioners Izell Chambers, Jack Williamson, Charlie Davis and Walter Woodward? A I do.

Q You know when Walter Woodward was placed in the Broward County jail in connection with the matter under consideration? A Yes, sir.

Q You know what night it was? A It was Sunday night.

Q How many times did you see Walter Woodward during the following week? A I can't say how many times I saw him, I saw

him several times during that week, I don't know the ^{exact} ~~time~~ amount of times.

Q Would you say you saw him daily that week? A I have seen Walter Woodward during that week, yes; I don't know whether I saw him every day or not; I don't believe I did.

Q At the time you did see him was anybody else present?

A Some of the time, yes.

Q All the time? A Not all the time, no, sir.

Q Do you know whether or not Walter Woodward was continually beat, kicked and bruised every night from May 13 until May 21, 1933? A He was not. In fact he wasn't questioned only one night, and that was Saturday night.

Q Were you present in the Sheriff's office in Broward County on Saturday and Sunday night? A Yes, sir.

Q Who else was present? A J.T. Williams, H.H. McNeal, A.D. Marshall, Mr. Helton was present part of the time, and Mr. Goodrich was present part of the time and Dick Goodrich was there part of the time.

Q Did you say Mr. Helton? A He was there part of the time.

Q Do you know whether or not you were present with J.T. Williams every time J.T. Williams questioned Walter Woodward or saw him in the jail? A Yes, sir

Q On the night or the 20th or 21st day of May, 1933, was Walter Woodward taken out by Captain J.T. Williams and placed upon a chair in a room where there were some eight or nine men, some with pistols, others with black jacks and clubs, and loaded rubber hose? A No, sir.

Q Who carried Walter Woodward from his cell to any other part of the building that night? A Mr. Marshall.

Q Did some eight or nine men commence beating him?

A No, sir.

Q Did Captain Williams strike him on the jaw bringing blood in profusion? A He did not.

Q Did Walter Woodward say he was not guilty, and did somebody in the room say "we will make you talk"? A No, sir.

Q Did you or anybody at that time in your presence abuse him, kicking him on the shin and hitting him over the shoulders and arms with a rubber hose? A No, sir.

Q And trample on his bare feet? A No, sir.

Q At any time that night, or any other time during the period of time he was in the Broward County jail?

A No, we did not.

Q Did you or anybody in your presence that night tie a grass rope around the neck of Walter Woodward, and tell him you would kill him if he didn't come clean and confess? A No, sir.

Q Did you or any one in your presence tell Walter Woodward that he would be taken to the West Dixie Highway, and you or they would have a necktie party and riddle his body with bullets?

A No, sir, not in my presence.

Q Was Walter Woodward, at 10.30 taken back to his cell and locked up until about six o'clock Sunday morning, May 21, and then taken out of his cell and taken to your office, where a noose was again placed about his neck, and he was again kicked in the stomach and beaten even more violently than before, blows cutting deep gashes in his body and causing blood to run profusely over his clothing? A No, sir, he was not taken to my office on Saturday night at all.

Q Did you at that time, or anybody in your presence, or any other time, tell him that he must make a complete confession, that you were not fooling with him, and if he didn't come clean that they would take him out on the Dixie Highway and riddle his body with bullets? A No, sir, we did not.

Q And as a result of that did he consent to confess?

A Not as a result of that.

Q Were you present when he was brought to the office of myself as State's attorney to make a statement about what happened?

A Yes, sir

Q Were you present all night in the Broward County jail?

A Yes, sir. Q On that particular night? A Yes, sir, I was.

Q Did you at any time that entire night, strike, kick or beat Walter Woodward in any manner or form? A No, sir.

Q Or did any of those in your presence? A No, sir.

Q Did you, or any one in your presence at any time, from the time he was arrested and in the custody of the officers, ever hit, beat, kick or ill-treat Walter Woodward?

A No, sir, we did not.

Q Have you or anybody that you know of, in your presence put a rope around his neck, threatened him, beat him, kick or ill-treated him in any way? A No, sir

Q Were you present that night when Charlie Davis was taken from his cell? A Yes, sir.

Q Who took him from his cell? A Mr. Marshall.

Q Was he taken to the sheriff's office? A No, sir, he was taken into Mr. Marshall's quarters where we were at.

Q Was he seated in a chair and then knocked out of the chair against a brick wall in the room, knocked unconscious by one of the men there? A No, sir, he was not.

Q Did the back of his head strike the wall cutting a deep gash, leaving him in a semi-conscious condition? A No, sir.

Q Did you, or anybody in your presence, continue to beat him about the head, arms and shoulders with a rubber hose, and did any one in your presence pull out a gun and point it at him, have his finger on the trigger, and say he would shoot and kill him if he didn't confess to the murder of Mr. Darcey? A No, sir.

Q Did Charlie Davis then say he would admit anything?

A No, sir. A Is it true that for a week prior to the date of the confessions, which was Sunday morning, the 21st of May, 1933, that Charlie Davis had been walked and questioned without sleep and beat every night in an effort to make him confess?

A No, sir.

Q Did that happen every night after he was placed in your custody as sheriff, when you were present? A I wouldn't say he wasn't taken out of the cell to be questioned unless I was present.

Q You know Jack Williamson? A Yes, sir.

Q Is it true that during the entire week prior to May 20, 1933, Jack Williamson was walked back and forth from his cell to the sheriff's office and other parts of the jail, every night, sometimes all night, and told by Captain J.T. Williams and Bob Clark and Chief of Police Maddox that he would have to confess tonight to the crime with which he was charged?

A No, sir. As a matter of fact Chief Maddox and Bob Clark was not there.

Q What night were they not there? A Saturday night, the night they confessed.

Q Was Virgil Wright present? A No, sir.

Q Did Chief Maddox hit him twice over the head with a pistol? A No, sir.

Q That night or any other time you know of? A No, sir.

Q Did any one in your presence inflict punishment on Jack Williamson with ~~xxx~~ black jacks and loaded rubber hose until they practically exhausted themselves? A No, sir.

Q Did you or did anybody in your presence put a rope around the neck of Jack Williamson? A No, sir.

Q And throw one end over some piping and draw him up and down by the neck, and the rope cut gashes in his neck?

A No, we did not.

Q Was there any piping arrangement there in the jail?

A No, sir, it is a solid steel top, there isn't anything to throw any rope over.

Q Did you throw it over any part of the cell?

A No, sir, there wasn't any rope around his neck.

Q Did three men ever in your presence beat him with black Jacks and loaded rubber hose? A No, sir.

Q Did Captain J.T. Williams kick him about the body?
A No, sir.

Q Did Chief Maddox place a pistol against his neck and say "we will tell you what to say and you will say it"?

A No, sir.

Q Did Jack Williamson say he had nothing to do with the crime and beg them to cease beating and abusing him? A No, he didn't plead to us, he had no reason to plead to us.

Q Was he again drawn up by a rope and unmercifully beaten?

A No, sir.

Q Was Jack Williamson told by you or anybody in your presence he would have to identify Charlie Davis? A No, sir.

Q Did he deny he knew Charlie Davis, and then did Captain J.T. Williams knock him out of the chair and say "you will know him", and keep beating him until they said they knew each other?

A No, sir.

Q You know Izell Chambers? A Yes, sir.

Q From May 13 until the morning of the 21st day of May, 1933, was Izell Chambers walked back and forth from one part of the jail to the other all night long in order to make him identify others in connection with the murder of Mr. Darcey? A Was that one night out of the whole week. He wasn't questioned only that Saturday night.

Q On the night of May 20, 1933, was Izell Chambers brought from his cell to your office, seated in a chair in the presence of some eight or nine men, one of whom was J.T. Williams?

A No, sir, he wasn't carried to my office on Saturday night.

Q Did Captain Williams at that time grab him by the throat and hit him a number of times in the face, causing blood to run from his eyes and nose? A No, sir

Q Did Captain Williams throw Izell Chambers in a chair while others stood around with pistols in their hands in a threatening manner? A No, sir.

Q Did Captain Williams say he would kill Izell Chambers unless he implicated others in this case? A No, sir.

Q Did Captain Williams at that time tell Izell Chambers if he didn't say that Jack Williamson was guilty, and he, Izell Chambers, was with him at the time, they would kill him? A No, sir.

Q Did Captain Williams draw a gun and press it against the head of Izell Chambers and say if he didn't repeat his statement he would kill Izell Chambers, and throw him out of the window and swear he jumped out of the window and killed himself? A No, sir.

Q On the morning of the 21st day of May, 1933, when a purported confession was taken in the living room of the jailer's quarters, was Chief Maddox present when that confession was taken? A No, sir.

Q Was Virgil Wright present? A No, sir.

Q Was Robert L. Clark present? A No, sir.

Q Were the petitioners forced by Captain Williams, or by you, or any one in your presence to make a confession at that time? A No, sir

Q Did Captain J.T. Williams lay a stock over the lap of Charlie Davis, and did Chief Maddox put into Walter Woodward's hand a hammer with a string tied on the end and tell them that "this is the weapons they used to kill Mr. Darcey at Pompano with?" A No, sir.

Q Did anybody direct any of these four petitioners what to say at that time, or any time prior to that time?

A No, sir.

Q Were they told to stick to their story when the State's attorney arrived to take their confessions? A No, sir.

Q Were you present in the court room when these four petitioners were brought into the court room? A Yes, sir.

Q Did you bring them into the court room yourself? A No, sir.

Q Did Captain Williams? A No, sir, Captain Williams and myself were in the court room sitting down in a seat.

Q Who brought them in the court room? A Some of the deputies, I don't remember just which.

Q Did you go to their cells prior to their arraignment and talk to them? A No, sir

Q Did Captain Williams? A No, sir.

Q Was Captain Williams with you that morning? A Yes, sir.

Q Did either one of you go there and talk to them before they were brought into the court room? A No, sir.

Q Did either one of you talk to them after they were brought into the court room? A No, sir.

Q Did either one of you tell them that morning they better stick to their story in the court room? A No, sir

Q Were you present in the court room when the petitioners were brought into court that morning? A No, sir.

Q On the night of May 20th was Izell Chambers beat all night? A No, sir. Q Was he beat by Chief Maddow that night? A No, sir. Q By any one else? A No, sir.

Q Did you ever see Captain J.T. Williams, or anybody, stomp on the bare feet of Walter Woodward? A No, sir.

Q Did you see anybody hit Charlie Davis on the night of the 20th with a rubber hose? A No, sir.

Q Or with a club or stick or hit him with their fist or kick him at any time? A No, sir.

Q Were you present on the morning of the 21st day when their confessions were taken? A Yes, sir.

Q You know whether or not they all had shirts on?

A They didn't all have shirts on.

Q You remember which ones didn't have? A I am not positive, but I believe Charlie Davis didn't have a shirt on.

Q On the 21st day of May did you tell Jack Williamson if he didn't confess to this crime he would be lynched?

A No, sir.

Q Did any one in your presence tell him that?

A No, sir.

Q At any time? A No, sir.

Q At the time of the purported confessions taken on May 21, 1933, were there any signs of any bruises, blood or marks noticeable upon any exposed parts of the bodies of any of these petitioners? A No, sir, there was not.

Q Have you yourself, or any deputy, or any citizen or any person you know of, at any time or any place ever abused, hit, kicked, struck with a rubber hose, put a rope around the neck or physically threatened or abused or injured or mis-treated any of these four petitioners at any time? A No, sir, they have not.

Q After they were placed in the Broward County jail, before or since? A No, sir, not in my presence.

Q Was Mr. Charles Gordon, Clerk of the Circuit Court, was he present at any time of the 21st of May?

A No, sir, he was not.

Q Was he present when their confessions were taken?

A No, sir, he was not.

Q Did you or Captain Williams, or anybody in your presence, ever do anything to prevent these petitioners from talking freely with their lawyers or counsel appointed in this case? A No, sir, we didn't keep them from talking freely at any time.

Q Do you have any idea how many people you questioned the night of the 20th and the 21st day of May, 1933?

A Saturday night?

Q Yes, and Sunday morning. A We questioned six or eight or ten other men besides these four; there was quite a few we questioned besides these four.

Q Would you say you questioned as many as six others, besides these petitioners? A Yes, sir.

Q Did you grill or question these petitioners any more than you did the others that were questioned that night?

A No, sir.

Q What was the longest length of time you questioned any individual that night? A I would say thirty minutes.

Q Did you ever question at any one particular time any one of these petitioners longer than thirty minutes?

A I don't think so. Some of the time we wouldn't question them more than fifteen minutes.

Q What was the manner or method that you used in questioning them? A I asked them questions about where they were on this Saturday night and what they were doing; and they would give me some statement where they were at or what they were doing, and I would check on it and find it wasn't so; and ask them again and they would tell me a different story.

Q Have you any idea what period of time would elapse between the time you questioned any one of these individual petitioners? A Sometimes he an hour and a half or two hours and a half, may be three hours.

Q What was the longest total length of time you questioned any of these petitioners that whole night altogether?

A The time we questioned them altogether?

Q Yes. A Would be two hours and a half, not over three hours.

Q And where were they between each time?

A They were in their cells?

Q Was there a bed in the cell? A Yes, sir, we have beds in all the cells.

Q Was there anything that prevented any of them from sleeping? A No, sir.

Q What about the week prior to the night these confessions were taken; how much questioning did you do of any one of these four petitioners during that week? A I questioned a lot of men we had in jail that week, and I believe that I questioned Izell Chambers and Jack Williamson part of that week, some of the time, may be three or four times during the week.

Q What was the greatest length of time you ever questioned them? A Around thirty minutes.

Q Did you ever force any of them to walk, or beat or threaten them in any way prior to this night? A No, sir.

Q From what you have stated as to the length of time you questioned these four petitioners on the night of --

A (interrupting) In answer to that last question, I questioned Charlie Davis one time before this Saturday night, that was the previous Saturday night they had him in the Pompano jail. Chief Maddox told me they had this Charlie Davis up in Pompano jail, and we went up there and questioned him. I don't expect it would be proper for me to tell why.

Q Just tell what you did. A We went there and questioned him that night a few minutes in the jail up there, and Captain Williams says to me, he says "I don't think that boy is guilty, I think he is crazy, I don't think he is guilty."

Q Who says that? A Captain Williams. We went off, I didn't question him any more until Saturday night.

Q You mean the Saturday night the confession was taken?

A Yes, sir.

Q You didn't then question him for a solid week?

A No, sir.

Q Did anybody question him in your presence?

A Not in my presence, no, sir.

Q What time did you start questioning any of the people that you questioned the night the confession was taken?

A We questioned them in the afternoon some time about four or five o'clock, may be a couple of hours, and went home and got some supper and come back about - I don't know exactly the time, I would say eight o'clock, I don't know whether seven or eight or eight-thirty.

Q Mr. Clark, from the time you came back at 8:30 until midnight, had you questioned all four of these petitioners?

A No, sir.

Q What ones had you questioned? A I hadn't questioned Charlie Davis.

Q Had you questioned the other three? A I questioned the other three.

Q You didn't question Charlie Davis prior to midnight?

A No, sir.

Q How many hours sleep did they have an opportunity to get that night? A They could have slept all the night, except I would say three hours, two hours and a half or three hours.

Q What was the reason for bringing them out and having them returned to the cell, and then later bringing them out again? A Because I would question one of them, and he would tell me some story about where he was at on Saturday night, and put him back in the cell and check on that and find out that he wasn't there, he was telling me a lie about it, and then bring him out and we would question him again, I tell him I checked on the last story he told me, tell him I checked on it, and he would tell me a different story about where he was at and what he was doing on Saturday night.

Q You curse him at that time? A No, sir.

Q Anybody else curse him in your presence? A No, sir.

Q Threaten him in any way? A No, sir.

Q What was their manner in making their statement and answering your questions? A Just free and voluntarily, just like they are sitting there now, there wasn't anything exciting, they wasn't scared.

Q Who always brought them down to you out of the cell into the room where they were questioned? A Mr. Marshall.

Q Captain Williams ever go to the cell and bring any of them out? A Not that night.

Q Did he ever go to the cell? A No, sir.

Q Did you go to the cell? A That night?

Q Yes. A No, sir.

Q Did anybody stay in their cells for any great length of time when they went after them? A Didn't anybody go after them but Mr. Marshall, and he would be gone long enough to go to the cell and bring them out.

Q Did you examine people that were in the jail all night long without any rest? A Anybody we had in jail all night without any rest?

Q I mean did you yourself, you or Captain Williams or A.D. Marshall, or any officers that were with you, examine somebody all night long, or did you not? A No, we stopped and ate something, and then later on in the night one of them confessed. You want me to tell the jury why this period of rest come in there?

MR. CATTS:

Are you talking about Walter Woodward?

WITNESS:

Yes, I am talking about any of them.

Q What I want to get is, how long did any of the other officers rest without questioning anybody in the jail?

A I would say an hour and a half, may be two hours.

Q You know what time of night that was? A Some time in the morning, because I had been back to Pompano to see if they could find some money in a pocketbook they claimed --

Q Don't go into anything like that.

MR. CATTS:

We move to strike that testimony.

THE COURT:

It may be stricken.

Q What did you do while you were having that rest period? A Why I think I ate a sandwich and had a cup of coffee, and lay down and took a nap.

Q Why did you rest at that time? A Because we wasn't questioning anybody.

Q Was there any reason for not questioning at that time? A We were waiting for them people to get back from Pompano.

Q Do you remember when I was there during the night?

A Yes, sir.

Q You know about how long it took to get through with Walter Woodward in my office the first time I went there that night? A I am not positive; I think it was less than an hour, I don't believe it was over an hour.

Q Did I stay there afterwards? A No, sir, you left.

Q Do you know Prince Douglass, James Douglass?

A Yes, sir.

Q Was he there that night? A Yes. He was our cook in the jail. Q What was he doing? A He was serving us some sandwiches and coffee.

Q Was he ever in the room while you were questioning anybody that night? A Yes, he would come in, sit down, and go back in the kitchen, and mess around between the questioning.

Q Was anything done that night, either in the line of depriving these prisoners from sleeping, or threatening them or from beating, kicking, cursing or in any manner prevailing upon them to tell anything other than what they wanted to tell? A No, sir. The only time they were deprived of sleep was the time we were questioning them, and as far as beating and cursing them, there wasn't any beat and cursed.

Q You were there every time they were questioned?

A I was there every time they were questioned that night.

CROSS EXAMINATION

BY MR. GATTS:

Q How long have you been Sheriff of Broward County?

A The last term - pretty nearly four years.

Q You were Sheriff before that? A No, sir, Mr. Turner was Sheriff prior to this term.

Q How many deputy sheriffs did you have during the month of May, 1933? A I had four mounted deputies.

Q Did that include the jailer? A Yes, sir, four deputies, and Mrs Freeman, she had the civil work. Robert Clark, Dick Goodrich, Virgil Wright and Mrs Freeman.

Q And the jailer? A Jailer Marshall, and myself.

Q Mr. Maddox was chief of police at Pompano? A Yes.

Q He was an officer of the law? A Yes.

Q And Mr. Helton, who testified yesterday, he was constable? A Yes, sir, he was constable.

Q Who usually had charge of the investigations down there, or do you have any particular one who investigates homicides? A The most important ones I investigate them myself.

Q Personally? A Yes, sir. May be some of the other men that know anything about it, or anybody in the County that knows anything about the case.

Q Who is this Captain Williams? A He was captain of the convict camp west of Boynton.

Q Did you ask him to come down there and assist you in this? A Yes, sir, I went up there and got him. I went to Mr. Marshall, he heard about this and he says to me ---

Q Don't tell that. Did you ask him to come down; he came down at your invitation? A Yes, sir, I went out there and got him and his bloodhounds.

Q You are still not answering my question; it isn't responsive. I ask if it was at your invitation he came down - and he tells other things that are not responsive to the question. I move to strike the rest of his answer.

THE COURT: Denied.

Q I asked you if it was at your invitation he came down?

A Yes, sir.

Q Did you ask him to stay down there all the week?

A No, sir, he didn't stay down there all the week.

Q You ask him to come down there the following Saturday night? A No, sir, I did not.

Q Did you ask him at any time, after he came down the first night with the bloodhounds, that you have already told the jury about, to come back at any other time? A I don't remember whether I asked him to come down after the time he come down.

Q I say, at any time did you ever ask him to come back after that first night? A I can't say positively whether I asked him to come back or not. He helped me with the case and was interested in it. I don't know whether I asked him or not.

Q You know whether he came down at any time when you wasn't at the jail or not? A I wouldn't say positively whether he did.

Q Do you live at the jail? A No, sir, I live at home.

Q I believe you say in your direct testimony here that only one of these boys - I believe you said Walter Woodward wasn't taken out and questioned during the week? A No, sir.

Q Which one of them was taken out during the day time?

A I believe Izell Chambers and Jack Williamson was taken out once or twice in the day time.

Q Who was there when you took them out that time?

A I don't remember who was there.

Q Was Captain Williams there? A I wouldn't say positively whether he was there; he might have been there once.

Q How many times were you around the jail that week, Sheriff?

A I was in the office pretty nearly all the week.

Q Were you there at night? A Not every night.

Q Were you there on any night? A I was there Saturday night.

Q Any night besides Saturday? A I wouldn't say positively; I expect I was.

Q Why did you put off the questioning of all these thirty one or two people in the jail? A I don't know whether we had thirty or forty.

Q Why did you put that examination off for a whole week?

A I had been questioning them in the day time all the week.

Q You hadn't questioned them at night before, had you?

A No, sir.

Q Why did you put it off? A We were questioning them during the week, and I was busy all day Saturday, I didn't question them until late in the afternoon.

Q You didn't have time to question them all, did you?

A We had time to question them, but I didn't.

Q Why didn't you? A Because I questioned them all day and I was tired.

Q Why didn't you question them Tuesday night?

A I didn't want to.

Q Why didn't you want to? A Well, I tell you, one of the reasons is because I worked all day Tuesday and I didn't feel like sitting up and questioning them Tuesday night.

Q Why didn't you question them Wednesday?

A I didn't question them Wednesday.

Q Why didn't you question them Wednesday night?

A I don't know the reason why I didn't question them Wednesday night.

Q Well was there any reason why you didn't? A Well, because we were questioning these boys on Wednesday, every day during the week, the boys we had in jail, not particularly these, but some that we had in jail.

Q Why didn't you question them Thursday night?

XXX The same reason as the other days, you were tired when night comes? A I suppose so.

Q Were you busy all day Thursday questioning people in connection with this homicide? A Yes, sir.

Q On Friday and Saturday? A I didn't question anybody on Saturday.

Q Saturday morning was the only time that you didn't question some one? A Yes.

Q Were all your officers, not only the officers, but anybody in the County that was working on the case, that whole week was devoted to questioning suspects who were in jail, and other people not in jail, in connection with this homicide, did you spend all the time you had? A All the time except to do some other official business, yes, sir.

Q And the great majority of this time was devoted to this particular work? A A lot of time was.

Q You not being there nights during this week, you can't swear to this jury that Captain Williams wasn't in the jail at night - I don't mean what somebody told you, but of your own

knowledge, are you sure that Captain Williams wasn't in the Broward County jail, questioning these boys during that week?

A No, I can't be sure of it.

Q Of your own knowledge do you know and can you say he was not? A If any night I wasn't there and he come there, I couldn't swear.

Q You have testified you went to sleep every one of these nights? A I went to sleep at night.

Q You weren't at the jail during these nights?

A No, I sleep at home.

Q You weren't around the jail? A I expect I was in my office the early part of the night.

Q Do you know that you were; not guessing about these things? A No; I say I may have made a trip to Pompano.

Q You went to Miami on one trip? A Yes, sir.

Q When was that? A Tuesday or Wednesday; I am not positive.

Q You swear it wasn't Monday? A I am not sure.

Q As a matter of fact, it was Monday, eleven o'clock, wasn't it? A It might have been; I am not positive. I was busy that whole week.

Q Who did you take down there with you? A We took four or five negroes down there with us.

Q Which one of these defendants, which one of these petitioners? A I believe we took Jack Williamson and Izell Chambers; I am not positive whether we took both or one of them.

Q And you took two or three other prisoners down there?

A Yes, sir.

Q Why did you take them down there? A Because up there in Pompano, there was negroes up there in Pompano --

A Without going into that detail --

A I have got to explain why.

Q Were you afraid of mob violence?

A I wasn't afraid of it, no, sir, but I wanted to prevent anything - I wasn't afraid of it.

Q Was it intimated there might be mob violence?

A Yes, sir, there was talk around it might be.

Q That was your chief reason for taking them to Miami jail at that time on Monday night? A Yes, I wanted to give protection to every prisoner we got in jail.

Q Now if I gather by your testimony correctly, you and the rest of your office force, and others in Broward County, during the whole of this week were examining suspects and making investigation, particularly you and your office force, into this homicide, of all available time you had during the week, when you were not sleeping? A Yes, sir, not just exactly these boys we had, but in the community of Pompano, other people that live in Pompano.

Q During that week were there confessions made by two other boys, Frank Manuel and Mack Little? A No, sir.

Q You ever see anything in the paper about that?

A I don't think so, I am not positive whether I have or not.

Q You are pretty familiar with the case?

A They didn't confess to me.

Q Well, didn't the newspapers carry a story saying they confessed at that time? A I don't believe so.

Q You never saw such a newspaper? A I couldn't say I had, no, sir.

Q What time did you first see either of these petitioners on Saturday, May 20, 1933? A That was the night the confession was taken?

Q That was on Saturday, the 20th, the day before Sunday?

A I am not positive whether I went through the jail and saw any of them that day or not, but we started about four or five o'clock and questioned some of them.

Q Who all were present when you first started?

A Mr. Williams.

Q Captain Williams? A Captain Williams and Clyde Helton.

Q That's the constable who testified yesterday?

A Yes, sir, and Mr. Marshall, myself and another deputy, I can't say positively.

Q Do you know where Captain Williams is now?

A No, sir. I made a trip to Raiford to see if I could locate him.

Q When was the last you heard of him? A I haven't heard from Mr. Williams after the summer this thing happened. I was talking to the superintendent the other day and he said he hadn't heard from Mr. Williams in two or three years, since they fired him.

Q On that Saturday afternoon, about what time was it you started? A I wouldn't say positively, but I think around four or five o'clock, or between 3.30 and four, I don't remember.

Q Where were you at that time, where were you questioning these boys? A Up in Mr. Marshall's living quarters.

Q That's on the fourth floor of the jail? A Yes, sir.

Q Who was the first person you brought in that Saturday afternoon and questioned? A I don't know, I don't know who was the first one we brought in.

Q You don't remember that? A No, sir. I couldn't tell you which was the first one brought in.

Q Who was the second one brought in? A I couldn't tell.

Q Who was the third one? A I couldn't tell you that.

Q How long did you continue the questioning?

A Hour and a half or two hours in the afternoon and went home to supper and come back later in the night.

Q That's the same Mr. Helton that testified yesterday?

A Yes, sir.

Q You heard him testify? A Yes, sir.

Q That's the same session you are testifying about that Mr. Helton testified about yesterday? A Yes, sir.

Q How many people would you say you brought in there and questioned from the time you began that afternoon until you adjourned to get something to eat and come back?

A I would say three or four or five.

Q Three or four or five? A May be I didn't question more than two or three, I couldn't say.

Q You would have to question more than two or three. You said you didn't question any of them more than thirty minutes? A I don't know how long. I would sit down and question them, ask where they were that night and who they were with.

Q Do you mean to tell this jury right now you can't tell them any particular length of time you kept one man in there from nine o'clock that night, or 9:45, who all you had in there and how long you had him there? A I said I questioned them among 30 or 35.

Q As a matter of fact you don't know how many people you had in there and how much time you spent. Now, getting back to the question I was asking you; can you tell this court and jury now whether during that first session on Saturday afternoon you had two or three people in there, or you had four or five people in there? A I couldn't tell how many people I had in there.

Q You don't remember whether your started at four and quit at six, or started at 4.30 and quit at six? A I don't know.

Q And you don't know how long you kept any of these people in there? A I know I asked questions about where they were that night.

Q But how long would you say you had been on the witness stand this morning? A I would say three quarters of an hour.

Q That's your idea of how long you have been on the witness stand, and all of the questions he has asked you?

A I didn't ask them as many questions as Mr. Maire did, I didn't ask them that many questions.

Q You don't know exactly what time you left to go to dinner than 6.30, I believe you say? A The best of my memory it was.

Q You know about what time you come back?

A I would say 8 or 8.30.

Q Where did you go when you come back to the jail this time? A We come back to my office and went up to Mr. Marshall's living quarters.

Q About what time did you go up to Mr. Marshall's living quarters? A I would say 8 or 8.30.

Q You didn't delay in your office very long?

A I don't remember whether there was anybody in the office to talk to me.

Q You would say you went to Mr. Marshall's quarters around 8 or 8.30? A Somewhere around that time.

Q How long did you stay in his quarters at that time and continue to question people? A We questioned them until in the morning some time.

Q I mean without an adjournment, or without any one leaving the room, and while Captain Williams was in the room, how long did you continue to examine them at that time?

A Well we questioned some of them a while, then I got up to get a drink of water, and sat around and talked some.

Q Well, how long did you continue; all night?

A We questioned all night, off and on, except some time in the morning.

Q You heard constable Helton say you took a recess about 12 o'clock? A Yes, sir/

Q Is that right? A I think it was later than 12.

Q Who was the first man you questioned after you came back to the jail? A I can't tell.

Q Who was the second man? A I can't tell.

Q Who was the third man? A I can't tell.

Q Who was the last man you questioned before the adjournment? A I don't remember which one of these three or four men.

Q But you were questioning somebody practically all the time during that time until you took this little recess that Mr. Helton testified about? A Yes, sir, we might have stopped ten or fifteen minutes to talk it over amongst ourselves.

Q You said a few minutes ago the time between the taking one out and bringing the other back would be the time it took the jailer to go to the cell and bring him back?

A I believe Mr. Maire asked how long the jailer would be gone to the cell before he come back.

Q How long would he be gone? A Long enough to take one man to his cell and come back.

Q He didn't always bring somebody back with him? A No.

Q Well did he most of the time bring somebody back with him? A Part of the time he did.

Q Well did he most of the time bring somebody back with him? A Part of the time he did.

Q If you didn't have anybody in there and you sent him out to bring somebody back, how long would it take? A If the man happened to be on the same floor it would take him two minutes, if he had to go on the lower floor it would take him five minutes, because he had to go on the elevator.

Q Where were these boys that night; some of them on the first floor or third floor? A I couldn't say.

Q You ever see these boys any time they were in the cell? A Yes, sir.

Q Which cells did you see them? A I saw some of them in the bull pen.

Q Which ones did you see in the bull pen?

A All of them.

Q When? A During the week.

Q You say you saw these boys during the week? A Yes.

Q Did you at any time see these four boys together in

the bull pen? A I can't say whether I did or not, but I had thirty or forty more.

Q Who had charge of these men when they were in jail?

A Mr. Marshall.

Q You didn't have anything to do with them, did you, until that night? A Unless I ordered him to put them in a certain place.

Q Where did you order him to put them in the morning?

A When one of them confessed I ordered him kept away from the rest of them.

Q Which one of the men? A Jack Williamson.

Q That was Sunday morning? A Yes.

Q Up to that time had you given him orders to keep any of them separate? A No.

Q You don't know whether they were separated or not?

A No, sir.

Q Again I ask if you know whether they were separated or not? A I do not.

Q If the boys say they were separated, you don't know whether that's true? A No, sir.

Q If they both say the first time they saw each other was Sunday morning, you don't know whether that's true?

A I don't know.

Q If these boys say the only time they saw each other first was on Sunday morning; you know whether that's right or wrong. The only time they saw each other was the time they confessed, that was the first time they all four had been brought together on Sunday morning? A I couldn't say positively. Mr. Marshall can tell you, I don't know.

Q You couldn't say that isn't true, could you?

A I couldn't say whether it is true or not that's the first time they saw each other, because some of them might have been on one floor and some on the other.

Q You heard the negro cook testify? A Yes, sir.

Q He has no interest in this case? A Not a bit.

Q He was just a cook down there at the jail at the time. You haven't any jurisdiction over him, have you? A No. He is in Raiford now.

Q You heard him say these were the only four boys you brought out there that night; you hear him say it? A I don't remember whether I did or not.

Q You don't remember hearing him say that? A No, sir.

Q Well, if he did say that he is mistaken?

A Yes, sir, he is mistaken if he says that's the only ones we brought up.

Q You heard me ask him if he gave any of these four boys a sandwich that night? A Yes, sir.

Q You heard him say he was there all night except the time he would go down and get coffee and come back? A Yes, sir.

Q You heard that part of his testimony? A Yes, sir.

Q But you didn't hear him say that these four boys were the only ones that were brought up to this room in the jailer's quarters that night? A No, sir, I did not.

Q Now, Sheriff, how many people did you have up there in the jail on the fourth floor in the jailer's quarters when you questioned them from about 1.30 on to daylight; how many persons did you have that you had under suspicion there from that time on?

A From the time we did come back?

Q From the time you did come back from recess until the confession was taken, how many persons that you had under suspicion did you have up there and question?

A I expect we had six or eight, something like that.

Q You heard Mr. Helton testify, did you, when he said yesterday that they only had these four boys, and the one he brought back from Pompano at the time he was there?

A Later on in the morning.

Q I am talking about the time from the time of the recess up until Mr. Maire got there? A I think it was around

three o'clock in the morning.

Q Well, from that time on , I am talking about the time of the recess, did you have anybody else up there but these four boys and the boy he brought from Pompano that night?

A I wouldn't say positively.

Q You do know you had these boys?

A We questioned them at different times.

Q During that period of time, from the time you had the recess on until daylight, whatever time it was, but from the time you had the recess and went back to questioning, did you have any other boys but these four and the one he brought from Pompano? A I wouldn't say positively whether we did or not. We might have questioned one or two more.

Q You wouldn't swear that you did have anybody else?

A I wouldn't swear.

Q You do know you did have these boys there during this interim? A Yes, I questioned them. They had periods of rest from the questioning, after ~~xx~~ we questioned the others.

MR. CATTS:

Move to strike his testimony on the ground it is the conclusion of this witness they had plenty of time to sleep.

THE COURT:

That part is stricken. He is entitled to explain his answer. You may proceed.

Q You heard Mr. Helton testify in this case? A Yes.

Q That during the period he got back there, around 8.30 or 9 o'clock, and up to around 12 o'clock, that he knows they had at least each of these boys up there one time? A Yes, sir, we had them up there one time.

Q You are sure you had them up there at least one time between 8.30 and the time of the recess? A You mean about --

Q I am talking about 8.30 and the time you took the recess? A No, we didn't have each one of them up.

Q Mr. Helton is wrong about that?

A He is wrong when he said we had each one of them four.

Q Can you tell me now who all you did have up there?

A We had Izell Chambers and Jack Williamson up there.

Q Have anybody else up there that night?

A Yes, we had several more.

Q Who else between this particular period of time?

A I don't remember the names of every one we questioned that night.

Q Do you know the names of all the boys you had in jail?

A No, sir, we had about thirty or forty.

Q You know Frank Manuel? A Yes, sir.

Q Did you have him in there during that period of time on that Saturday night? A I think we questioned him that Saturday.

Q I don't ask you what you think; do you know it, do you have the same definite recollection as you do of these boys during that period of time? A No, sir, I do not.

Q As a matter of fact you were questioning somebody during the whole of that night, except the times that you, eliminating the time you went to dinner and the time you took the recess, you were examining somebody under suspicion in connection with this case all during that period of time, until the next morning around six o'clock? A Except the time we took the recess, and went to dinner, and the time we sat there and talked the case over amongst ourselves, we didn't have anybody in there.

Q Why did you take a recess, were you tired?

A No, I wasn't particularly real tired, but I didn't have anything to do then.

Q Did you or any one else sleep that night?

A Yes, sir.

Q You did go to sleep that night? A Yes, sir.

Q How long did you sleep? A I might have slept thirty minutes, and I might have slept an hour.

Q Do you know what Captain Williams was doing while you were asleep? A I know where I sent him.

Q You don't know what he did of your own knowledge while you were asleep? A No, I wasn't with him.

Q You are sure you did take a nap that night there about an hour, Sheriff? A I would say an hour.

Q Did you take a nap at all; you sure you did take a nap? A Yes, sir.

Q Was this question asked you on the last hearing down there in this case in February of last year : "Now let's get back to this night of the 20th of May, Captain Williams was here with you that night as I understand it, Mr. Clark? (A) Yes.

(Q) How long did he stay with you that night in jail? (A) Stayed with me all night. (Q) He was present I believe when these confessions were signed the next morning? (A) Yes. (Q) Why was it necessary for him to stay with you all night; you didn't sleep any that night, did you? (A) No, I was working that night."

Was that question asked and answer given?

A It might have been, yes.

Q Now if these niggers had fifteen or twenty minutes sleep, do you consider that sleep? A If they didn't have but fifteen or twenty minutes.

Q If they had thirty minutes, would you consider that sleep? A No, sir.

Q If they had an hour's sleep, would you consider that sleep and rest; do you consider that rest and sleep?

A To get an hour's sleep, yes, sir.

Q Who did the principal questioning of these boys there that night? A Mr. Williams and myself.

Q What did you have Mr. Williams there for that night?

A If you want me to explain how come him there, I will do so.

Q Well, did you have him there to help you that night?

A He was interested in the case, and him and his wife was going to Miami that afternoon, and he said "you want to question the boys again today; I haven't got time today, I am busy" he says "I will take my wife to Miami and I will come back." Later on he came back, and Mr. McNeal drove his wife up to Boynton, and he stayed there with me, and Mr. McNeal came back later on; that's how come him there.

Q Now at the time Mr. Maire came over there, you say Walter Woodward made some confession to him at that time?

A I don't know whether he made a confession - he confessed something to him all right.

Q Did he make a confession to you before that time?

A Yes, sir. Q And you sent for Mr. Maire to come over and take it down? A Yes, sir.

Q Was that confession false? A No, sir, it wasn't false.

Q I mean by that, when Mr. Maire came over the first time? A No, it wasn't false; part of it was and part of it wasn't; Mr. Maire said there wasn't enough, it wasn't clear enough.

Q And he wouldn't take that down. Was that voluntarily made at that time? A Yes, sir.

Q It was voluntarily made that time? A Yes, sir.

Q You didn't consider it sufficient? A Mr. Maire.

Q Mr. Maire told you that it wasn't sufficient, so you kept on questioning him until the time you got him to make a free and voluntary confession of other matters that he hadn't included in the first? A No, sir, we questioned him there and we caught him in lies.

Q Caught all of them telling lies? A Caught every one of them lying to us that night, yes, sir.

Q Did you tell them they were lying? A Yes, sir.

Q You told them they were lying? A Yes, sir.

Q Just how would you tell them that?

A Just like I am talking to you.

Q You said "Jack, you told me a lie"? A Yes, sir.

Q You wasn't mad with him? A No, sir.

Q That room up there on the fourth floor where you were questioning these witnesses that night, was there a radio and a bed or cot in that room? A Yes, that's Mr. Marshall's living quarters, he had a radio in there and had a living room suite in there, and I think a buffet, and in the next room was a couple of sleeping beds.

REDIRECT EXAMINATION

BY MR. MAIRE:

Q Who has the keys to the Broward County jail?

A Mr. Marshall, the jailer.

Q Did you have any yourself? A I have some in the safe, locked in the safe.

Q Did you at any time use your keys to go in the jail?

A No, I kept them locked in the safe.

Q Could Captain Williams, or anybody else, go in the jail without getting the keys? A No, sir, not to my knowledge.

Q Why did you say you asked Captain Williams to come down? A I went up west of Boynton up there to get these blood hounds.

Q Did you ask him to help you examine these boys?

A Yes, sir.

Q And was the reason he was there because you asked him?

A Yes, sir.

Q You testified now that you slept a few minutes the night these confessions were taken? A Yes, sir.

Q Did you send Captain Williams anywhere while you were asleep? A Yes, sir.

Q Do you know whether he left the jail at that time?

A Yes, sir, he left before I went to sleep.

Q Were you awake when he came back? A Yes, sir, because

Mr. Marshall had to go downstairs to get him, we had the elevator upstairs and he had to go down.

Q Are you sure he was not in the jail at the time you were asleep these few minutes? A To my knowledge he wasn't in the jail.

(Witness excused)

Recess Five Minutes.

A. D. MARSHALL, being first duly sworn by the Clerk, testified on behalf of the State as follows:

DIRECT EXAMINATION

BY MR. MAIRE:

Q Mr. Marshall, did you hold any official position in Broward County in May, 1933? A I did.

Q What was that official position?

A Deputy sheriff and jailer.

Q Did you have charge of Broward County jail at that time? A Yes, sir..

Q Were you present when each and every one of these four petitioners in this case were brought to the Broward County court house? A Yes, sir.

Q After they were brought to the Broward County court house and placed in jail, were you present from then on whenever any of the other officers or any one other than the regular prisoners in the jail saw and talked to these four defendants, or any of them? A I was.

Q How many sets of keys to the jail were there at that time? A Two.

Q Was one set in your custody? A I had one set and the other was locked in the safe.

Q Do you know whether or not you were present the morning of the 13th of May right on to the 21st of May, that whole week, whenever these petitioners, or any of them were

questioned by you or by anybody else? A Do I remember who was present? Q Were you always present? A I was always present, yes, sir.

Q Do you know whether or not it is true that Walter Woodward was almost continuously beaten, kicked and bruised every night from the time he was arrested, May 13th, 1933, until May 21st, 1933? A He was not. He was not even questioned the first time, during that Saturday night, he wasn't questioned any during the week.

Q On Saturday night, May 20, 1933?

A It was on Saturday night, I don't remember the date.

Q Was that the night the four petitioners were questioned by the Sheriff and you and Mr. J.T. Williams? A Yes, sir.

Q Now on that Saturday night was Walter Woodward taken by Captain J.T. Williams from his cell to the sheriff's office and placed in a chair in a room where there were some eight or nine men with pistols, black jacks, clubs and a loaded rubber hose?

A Taken by Mr. Williams from the jail and placed in a chair? Q Yes, or anybody else? A No, sir.

Q Where was he taken, if you know? A He was taken into a room and seated in a chair.

Q And who took him there? A I did.

Q Were there eight or nine men with pistols and black jacks and loaded rubber hose there? A No, sir.

Q Did Captain J.T. Williams ever take any of these four petitioners from their cells that night? A No, sir.

Q Did any one other than you do that that night?

A No, sir.

Q When you took Walter Woodward to the living room of the jailer's quarters that night, who else was present besides yourself? A The sheriff and Mr. Williams.

Q Anybody else come there during the night? A Mr. Helton.

Q Was Mr. Goodrich there at any time that night?

A He was in and out until midnight.

Q Did anybody start beating Walter Woodward when he was taken into that room? A No.

Q Did Captain Williams strike him in the jaw bringing forth blood in profusion? A No, sir.

Q Did Captain Williams ask Walter Woodward if he wanted to talk that night? A How is that?

Q Did Captain Williams ask Walter Woodward if he wanted to talk? A He might have asked him that.

Q Then did Walter Woodward say he was not guilty of the crime, and then did some member of the party present with a vile oath say "We will make you talk", and immediately again begin to abuse him, kicking him on the shin and beating him over the shoulders and arms with a rubber hose? And did that continue that night until about 10.30 when he was practically exhausted?

A No, sir. Q At any time? A At any time.

Q Or any other night? A Or any other night.

Q Did you or anybody in your presence at that time tie a grass rope around the neck of Walter Woodward and tell him that he would be killed if he did not come clean, meaning to make a confession of the crime? A They did not.

Q Did you or anybody else in your presence tell Walter Woodward that he would be taken to the West Dixie Highway and they would have a necktie party and riddle his body with bullets?

A I did not.

Q Was he then carried to his cell and remained there until six o'clock on the morning of May 21, 1933?

Q You mean after that happened?

Q Yes, after 10.30? A No, sir.

Q Was he taken out of his cell at any time after 10.30 and taken to the sheriff's office and a noose placed around his neck and then kicked in the stomach and beaten even more violently, blows cutting deep gashes into his body and causing blood to run profusely all over his clothing? A He was not taken to the sheriff's office any time during the questioning.

Q Was that done any place or any time, either that day or any other time? A It was not.

Q Was he then told that he must make a complete confession, and that they were not fooling him that time, they meant business, that if he did not come clean they would take him out and hang him on the Dixie Highway and riddle his body with bullets? A They did not.

Q Were you present when he made a statement in my office?

A Yes, sir.

Q Is my office in the court house on the same floor that your quarters are? A One floor down.

Q Was Walter Woodward at any time on the night of May 20 or 21st, or any other time, mistreated, beaten several times over the head with a pistol until he consented to confess to whatever they wanted? A No, sir.

Q Did you see Charlie Davis at any time that night?

A Yes, sir.

Q Was he taken from his cell to the sheriff's office at about 9.30 P.M. on May 20th, 1933, and ordered to be seated, and immediately after he was seated in the sheriff's office was he knocked out of his chair against the brick wall of the room, knocking him senseless by one of the men there? A He was not taken to the sheriff's office. He was taken to that room, but this did not happen.

Q Didn't happen there or any other place?

A Or any other place.

Q Or any other time? A Or any other time.

Q Did the back of his head strike the wall cutting a deep gash causing great pain? A It did not.

Q Was he then directed to confess the crime and was he continuously beaten about the head, arms and shoulders with a rubber hose, and did you or anybody present pull a pistol and point it towards him, having yours or their finger on the trigger, and saying that you or they would shoot and kill him

if he didn't confess to the crime? A Did not.

Q Was he ordered to identify or implicate any of the other petitioners in the case by you or anybody in your presence? A He was not ordered to do that, no, sir.

Q Had Charlie Davis been walked and questioned from his cell to the sheriff's office without sleep and was he beat every night for a week prior to the time the confessions were obtained? A He was not.

Q Were you present every time he was questioned?

A I was.

Q Was Jack Williamson during the entire week prior to May 20th, 1933, walked back and forth from his cell to the sheriff's office and other parts of the jail every night and sometimes all night? A He was not.

Q Did that happen to either Charlie Davis or Jack Williamson at any time or any place? A It did not.

Q Did Captain J.T. Williams or Bob Clark or Chief of Police Maddox ever tell him/that he would have to confess to the crime of murdering Robert Darcey, in your presence?

A No, sir.

Q Was Jack Williamson taken to the sheriff's office in the county jail and directed to be seated in a chair and did Chief Maddox hit him over the head with a pistol, inflicting deep cuts in his head? A He did not. Mr. Maddox was not there, or Bob Clark during the questioning, neither of them were present at any time during the questioning.

Q Was Mr. Charles H. Gordon present at any time during that night? A He was not.

Q At any time that night did blood run profusely down over the eyes and nose of Jack Williamson and his face and run all over his clothing? A It did not.

Q Did you or anyone else in your presence proceed to inflict punishment with black jacks and rubber hose until they were all practically exhausted? A I did not.

Q And then did you or somebody else say "we can't make him confess this way, let's put the rope around his neck and carry him upstairs and hang him?" A Did not.

Q Is there an upstairs above your quarters on the fourth floor? A Couple of bedrooms up there.

Q Did you or anybody else take Jack Williamson upstairs and place a rope around his neck and throw it over some piping arrangement about the cell and cause him to be drawn up and down, the rope cutting gashes in his neck? A Did not.

Q Did three other men pull him up and some beat him with black jacks and rubber hose? A No, did not.

Q Did Captain J.T. Williams beat him and kick him while he was on the floor? A No.

Q Did Chief Maddox strike him or kick him and tell him he would have to say what he told him? A He did not.

Q Did he or anyone else say "we will tell you what to say and you will say it" ? A They did not.

Q Did Jack Williamson beg you or any one in your presence to cease beating him and hanging him, and say that he had nothing to do with the crime charged against him, and did you or anyone in your presence say "let's give him some more and plenty of it"? A I did not.

Q Was he again drawn up by the rope which had never been taken off his neck and by you or others there in your presence again unmercifully beaten while he was suspended in the air at the end of the rope, and then in a muffled or gurgling tone did he beg them to stop beating him? A Did not.

Q Did they then let him down and did he then lying almost breathless and prostrated on the floor tell them, "before I will let you kill me, I will say what you want me to say." A He did not.

Q Did Captain Williams then say "that's all right, boys. I will tell him what I want him to say. I will take him over the story", and did he then say to Jack Williamson that "if you do not repeat what I tell you, I will let you have it again"?

A Did not.

Q Was Jack Williamson then taken to the sheriff's office and forced to identify Charlie Davis? A He was not.

Q Was he then taken to the sheriff's office or any other place, and asked if he knew Charlie Davis? A No.

Q Was he placed in a chair and asked that and when he said he did not know him, did Captain J.T. Williams then knock him out of the chair and say "you will know him", and keep beating him until he said that they knew each other? A Did not.

Q You know Izell Chambers? A Know him when I see him.

Q You remember about the time he was put in jail?

A I was there.

Q On May 14th, 1933, and continuously from that time until about the 21st day of May, 1933, was Izell Chambers walked back and forth from one part of the jail to the other all night long in an endeavor to make him identify others in connection with the murder of Mr. Darcey? A He was not.

Q On the night of May 20, 1933, was Izell Chambers at any time brought from his cell to the office of the sheriff, seated in a chair, in the presence of some eight or nine men, and at that time did Captain J.T. Williams grab him by the throat using a violent oath and strike him a number of times in the face causing blood to run from his eyes and nose? A Did not.

Q Did Captain Williams ~~then~~ or any one else in your presence then with force and violence throw Izell Chambers into a cell while the others present stood around with their hands in their pockets their hands in their pockets?

Q Did you see any one else in your presence who was in connection with said crime and also saw any one else who was guilty of the charge against him? A No.

Q Did Captain J.T. Williams then tell Izell Chambers that if he did not say that Jack Williamson was guilty and that Izell Chambers was with him at the time they committed the crime that they would kill him? A Did not.

Q And did he have a gun drawn and press it hard against Izell Chambers' head and say that if he did not repeat his statement he would kill him and throw him out of the window and swear that he jumped out and killed himself? A He did not.

Q Were you present when the confessions were taken on the morning of May 21, 1933? A I was.

Q Did Chief Maddox hand Jack Williamson, Charlie Davis and Izell Chambers each one a stick, one each of six sticks they had, and tell them that they were the sticks that --

MR. CATTS:

Object.

THE COURT:

Objection sustained.

Q Did Captain J.T. Williams use a vile oath and strike one of these petitioners and tell them "I will tell you what to say and you will say it"? A He did not.

Q Did Walter Woodward then protest his innocence and would not say it, and was he then beat, kicked and made to admit anything? A He was not.

Q Did you or any one present that time direct each one of the petitioners or defendants in that case that unless they stuck to the story they were instructed to tell, the punishment they had already administered to them during the night would again be administered and that they had better stick to the story upon the arrival of the State attorney that morning and the Court reporter?

A Did not.

Q Who brought these petitioners in the court room the morning they were arraigned? A I did.

Q Were you the officer in charge of them immediately before that time? A I was.

Q Did Sheriff Clark or J.T. Williams the morning before they were arraigned go to the cell of these petitioners?

A They did not.

Q Did you have the keys at that time of the jail?

A I did.

Q Did you or any officers in your presence on the morning before they were arraigned or anybody else warn them that they had better stick to the confessions they had made on the night of May 20th, and did you or anybody in your presence dangle a large bunch of keys in front of their eyes and state to them that unless they did stick, said keys would be turned over to a crowd that night that would be on the outside waiting, and that they would be taken by the crowd and lynched? A No.

Q Did Captain Williams go to the jail before they were brought into the court room and tell any of these petitioners that they were about to be called as a witness, and if they didn't stick to the story they had told them they would be killed?

A They did not.

Q Were you in charge of these petitioners when they were brought in the court room that morning? A I was.

Q Did Captain Williams make a statement to any one of them in the court room that morning? A Not that I recall.

Q Were you present all the time? A I was in the court room, yes, sir.

Q At the time the confessions were taken were there any signs upon the visible parts of the bodies of any of these petitioners, any bruises or fresh scars, or was there any blood upon the clothing of any one of them or any marks around the neck of any of them? A There was not.

Q Mr. Marshall, on the night of the 20th and 21st of May, or any time prior to that time, or any time subsequent to that time, at any time or any place, did you or Captain J.T. Williams or Sheriff Walter Clark, or any other living human being in your

presence, ever beat, bruise, hit with a loaded hose, tie a rope around the neck and threaten or abuse any single one or all of these petitioners? A Did not.

Q Or direct them to say anything?

A They did not at any time.

Q What was the manner of these petitioners when they were being questioned by the officers? A They were fresh and all right, there was nothing, I didn't see any signs of fatigue.

Q Did you see any fresh marks or scars or bruises upon the shoulders, heads or bodies of these petitioners?

A No, sir. I see some signs of scars.

Q Upon who? A Jack Williamson.

Q When? A Right after he was put in jail.

Q Do you know how long each individual one of these petitioners was questioned during the night of May 20 and 21?

A I didn't time it, but I should judge anywhere from ten to twenty or twenty five minutes at a time.

Q Have you any idea about how many times they were questioned during the night? A Well, we alternated; there was ten or twelve being questioned the same night.

Q You mean ten or twelve including these petitioners?

A Including these four.

Q These petitioners were not the only ones questioned that night? A There were about six or eight others being questioned that night.

Q What was the total amount of time you would estimate that these four petitioners were questioned that night, individually? A The total time? Q Yes, each one individually?

A Each one individually? Q Yes? A It would be less than two hours.

Q And where were they taken when they were not being questioned? A Taken to their cells, where they could rest and sleep. Q Who took them there? A I did.

Q Did anybody else ever take them to or from their cell? A I did.

Q What was in their cell? A Bed and bunks they usually sleep in.

Q What was in these then? A What was in the cells, you said? Q Yes. A There was bedding, just like there would be ordinarily.

Q Did they have an opportunity to sleep that night?

A Yes, sir.

Q How long could each one of these petitioners have slept that night if they had wanted to? A You mean between intervals, or all told?

Q All told? A They could have slept over half the night if they had cared to.

Q Was anything done to prevent any of them from sleeping? A Nothing done.

Q Was Mr. Maddox present that night?

A Mr. Maddox wasn't there at any time.

Q Was Mr. Robert Clark present? A Mr. Robert Clark wasn't there at any time during the questioning.

CROSS EXAMINATION

BY MR. CATTS:

Q Did I understand you, Mr. Marshall, to say that you would estimate that each of these petitioners were questioned for a period of less than two hours that night? A All told

Q You mean the whole four of them together, or each one of them? A Each one of them, the way the questions was asked.

Q And in your opinion then you would estimate each one of these boys was questioned for a period of less than two hours that night? A Approximately two hours.

Q About two hours each of them were questioned?

A Yes.

Q And I believe you said that the length of the period of questioning ran from ten, fifteen or twenty five minutes, in your estimation, of each of them at that time? A Yes, sir.

Q That is now what you would estimate they were kept

out? A I didn't time it; it could have been less; I don't think it was any more.

Q You give what your opinion is; I understand you to say you estimate ten or fifteen or twenty five minutes each to be kept out at a time; is that what your estimate is now?

A That's what I stated, yes.

Q What time on Saturday did this questioning start?

A It started in the afternoon on Izell Chambers and Jack Williamson, along with some others.

Q What time did the Sheriff and Mr. Williams first come to your quarters - your quarters is where the questioning was done?

A Yes. Q What time did they first come to your quarters on Saturday afternoon? A Well I didn't exactly check the time.

It was somewhere around four o'clock, might have been a little before or little after. I didn't check the time.

Q Did Mr. Helton also come there with them at that time?

A I don't recall.

Q He was there in the early part of Saturday afternoon, he was there during the period of around four o'clock?

A He was there part of the time Saturday afternoon.

Q Who was the first person or prisoner you had in jail in connection with this case that was taken up to your quarters on that Saturday afternoon to be questioned?

A Which one was the first one?

Q Yes. A You mean whether Izell Chambers or Jack Williamson? Q The first person you had in jail?

A I don't recall the name of the person that I took in.

Q Well how many people had gone up before, before you questioned one of these boys? A Well I couldn't give the time exactly either because I didn't pay so much attention to that.

Q You would just go and bring whatever one they told you to bring back? A Whoever the sheriff asked me to bring, I would go and get him.

Q You do know Jack Williamson and Izell Chambers were brought in there some time during the afternoon, after four o'clock? A After around four o'clock, if I recall right they were questioned during the afternoon.

Q How long did the sheriff keep any one, and whoever else was there, keep on questioning these boys that afternoon before they took an adjournment, or did it continue right straight on there all night? A They recessed around 5.30 or 6 o'clock, something like that, if I recall right.

Q How many times did they take Izell Chambers in there between four o'clock when they started and the time when they adjourned around six? A I didn't count.

Q Would you say as many as five times?

A I wouldn't say.

Q Three times? A I wouldn't even attempt to say.

Q You know they did take him in there that afternoon?

A Yes, sir.

Q And the same thing is true of Jack Williamson? A Yes.

Q You know you did take him in there that afternoon, but how many times you don't know? A No.

Q Now, Mr. Marshall, what time did the Sheriff come back, and Mr. Williams? A I didn't check the time.

Q What is your estimate? A It was after dark.

Q Seven or eight o'clock? A I wouldn't attempt to name the hour. Q It was after dark? A Yes, sir.

Q And when they came back did they go back up to your quarters again? A Yes, sir.

Q That's on the fourth floor? A Yes, sir.

Q Who all was up there that night? A The early part of the night there was -- Q What officers? A Sheriff and me.

Q The Sheriff was there. A Yes, sir, and Mr. Williams.

Q Mr. Helton? A Mr. Helton come a little later.

Q Mr. Goodrich up there? A He was not there at the time.

Q He was around the jail that night, around the court house?

A No, sir. He was after midnight.

Q Wasn't he around the court house all night?

A I don't know whether he was hanging around the court house yard; I wasn't down there.

Q You didn't see him upstairs until after midnight? A No.

Q You remember anybody else being up there besides you four, the Sheriff, Captain Williams, Mr. Helton and yourself?

A There was one other man up there, he was a stranger to me, I don't recall his name.

Q Was it McNeal? A Yes, sir.

Q He was not an officer of the law? A No, not connected with the sheriff's office.

Q He didn't take any part in the questioning?

A No, the Sheriff did the most of the questioning anyway.

Q Who was the first man brought up there that night, after you started bringing the prisoners back up there to be questioned, after they came back from supper? A I couldn't say because I didn't make any list of bringing them; first one and then the other, whichever one the Sheriff asked for I would go and get. Q You bring this Izell Chambers up there? A Yes.

Q Did you bring Jack Williamson up there? A Yes.

Q You bring Walter Woodward up there?

A Not in the early part of the evening, no.

Q Did you bring Charlie Davis up there? A Yes.

Q You did bring three of them up there in the early part of the evening? A That was after I come back .

Q You said some time after dark they came back into session? A Yes, sir.

Q From that period, let's say, until midnight, did you bring Izell Chambers, and Charlie Davis and Jack Williamson up into that room to be questioned? A Yes.

Q And how many times? A I couldn't say how many times. It wasn't very often.

Q Did you bring them more than one time during that period? A Before midnight, you mean?