

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
AMERICUS DIVISION

HATTIE BRAZIER, widow of
James Brazier, deceased,
Plaintiff

v.

W. B. CHERRY, RANDOLPH
McDONALD, Z. T. MATTHEWS, et. al.
Defendants

Civil Action

No. 475

Discovery Depositions of

P a g e
Mr. Bloch Mr. King

HATTIE BRAZIER

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ODELL BRAZIER

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AT: ALBANY, GEORGIA,
November 24, 1962.

O r i g i n a l

CLAUDE JOINER, JR.
REPORTING SERVICE
920 PERSONS BUILDING
MACON, GEORGIA

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
AMERICUS DIVISION

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HATTIE BRAZIER, widow of
James Brazier, deceased,
Plaintiff

Civil Action

v.

No. 475

W. B. CHERRY, RANDOLPH McDONALD,
ZACHARY T. MATTHEWS, SHIRAH
CHAPMAN, HOWARD LEE and THE
FIDELITY CASUALTY CO. OF N. Y.,
a corporation,
Defendants

Room 314 Post Office Building,
Albany, Georgia 10:00 A. M. NOVEMBER 24, 1962

Depositions of HATTIE BRAZIER, Plaintiff and ODELL
BRAZIER, father of deceased, called by Defendants in above
case for purpose of discovery under Rule 26, Federal Rules
of Civil Procedure, before Claude Joiner, Jr., Notary Public,
Georgia, Bibb County and Official Reporter, United States
District Court, Middle District of Georgia, at place and
time above stated.

A p p e a r a n c e s:

For Plaintiff: MR. DONALD L. HOLLOWELL,
859½ Hunter St. N. W.
Atlanta, Georgia.

MR. C. B. KING,
221 S. Jackson St.
Albany, Georgia.

For Defendants: BLOCH, HALL, GROOVER & HAWKINS,
710 Walnut Street, Macon, Ga.
MR. CHARLES J. BLOCH, of counsel.

CLAUDE JOINER REPORTING SERVICE

1 Depositions taken by agreement of counsel for all
2 parties, with all formalities being WAIVED. Reading and
3 signing of depositions expressly waived. All objections,
4 except as to form of question, RESERVED to the time of trial.

5 * * * * *

6 MRS. HATTIE BRAZIER

7 the Plaintiff, called by Defendant as
8 adverse party for purpose of discovery,
being first duly sworn, testified on

9 CROSS EXAMINATION

10 BY MR. BLOCH:

11 Q You are the widow of James Brazier?

12 A Yes sir.

13 Q Where were you and he married?

14 A Terrell County, Georgia.

15 Q Speak a little louder?

16 A Terrell County, Georgia.

17 Q Terrell County?

18 A That's right.

19 Q What was the date of your marriage?

20 A March, the fourth Sunday in March in '44, I
21 believe it was. We were married 13 years when he died.

22 Q Where were you married at?

23 A At my house on Main Street in Dawson.

24 Q By a minister?

25 A Yes sir.

1 Q Who was the minister?

2 A Let me see now . . . Reverend - he's dead now -
3 Reverend - let me see what's his name -- I can't call his
4 name right now but I'll probably think of it.

5 Q You don't remember?

6 A No sir, I can't remember his name right now.

7 Q If you remember later, just tell Mr. Joiner?

8 A Yes sir.

9 Q How many children did you have?

10 A Four.

11 Q Had you ever been married before?

12 A No sir.

13 Q Have you been married since?

14 A No sir.

15 Q For whom did your husband work at the time of
16 his death?

17 A Mr. Ragan Arnold at the S&W.

18 Q Anybody else?

19 A And Stevens Industries. ^uthat's the same place,
20 the same company. He had two jobs.

21 Q Where did you live?

22 A I lived at 312 Ash Street in Dawson.

23 Q At that time?

24 A Yes sir.

25 Q He lived there too?

1 A Yes sir.

2 Q Had you lived there in Dawson ever since you were
3 married?

4 A Yes sir.

5 Q The same house?

6 A No sir. We lived out where his father is living
7 now, across from the bathing pool; the swimming pool, the
8 while folks' swimming pool, bathing pool.

9 Q What was the state of his health during your
10 married life?

11 A Talking about was his health bad, you mean?

12 Q Was his health good or bad?

13 A It was good as far as I know.

14 Q Did he ever have any illnesses?

15 A Well, he had an illness in '57 in November,
16 where he was beaten by Mr. Cherry.

17 Q '57 what?

18 A In November, '57.

19 Q What happened then?

20 A Well, he was taking treatments from his head,
21 where he got a lick on his head.

22 Q Who hit him on his head then?

23 A Mr. Cherry.

24 Q In '57?

25 A In '57, in November.

1 Q Prior to the incident in April, before the
2 incident in April, 1958?

3 A Yes sir.

4 Q Before that time, had he ever had any illnesses?

5 A No sir, no more than a cold,

6 Q Did he ever have any operation prior to April of
7 1958, surgical operation?

8 A Well, after he was beat, he had an operation;
9 the doctor operated on his head. That's the only one I
10 know of.

11 Q That was in April, '58?

12 A '58, yes sir.

13 Q I mean, before that, had he ever had any operation?

14 A No sir, not that I can remember.

15 Q What doctors do you know of had he seen, had
16 treated him during your married life?

17 A Dr. Sims.

18 Q Dr. who?

19 A Sims, Dr. Sims.

20 Q Sims?

21 A That's our family doctor.

22 Q Where is he?

23 A He's in Terrell County, was when I left.

24 Q Now, is another doctor there named Ward?

25 A Well, Dr. Ward treated him during the time he

1 was - in April.

2 Q And Dr. Sims had treated him before that?

3 A Yes sir.

4 Q Can you remember when Dr. Sims treated him?

5 A Well, in November of '57, he was hit that Saturday
6 night and Dr. Sims see'd him that Sunday.

7 Q Any other time?

8 A And he had went to the doctor for colds but
9 I don't know exactly what month it was, flu rather.

10 Q Did he have any health or life insurance?

11 A Yes sir, he had life insurance with the
12 Independent and he had insurance where he was working at.

13 Q What company did he have health or life insurance
14 with?

15 A The Independent and I had one with the Bankers.

16 Q The Bankers in Macon?

17 A The Bankers and Lincoln.

18 Q In Atlanta?

19 A Yes sir, I guess so.

20 Q And what other one?

21 A That's all the insurance he had.

22 Q I didn't get about the Bankers, is that the company
23 in Macon or one in Atlanta?

24 A It's Macon, I think.

25 Q Now, during the time of your married life, how

1 many times do you know of that James was arrested?

2 A As far as I can remember, about 5 times, about 5.

3 Q Five times?

4 A As well as I can remember, yes sir.

5 Q Could you give us approximately the dates of
6 those five arrests?

7 A No sir, I couldn't.

8 Q Did you say "No"?

9 A No sir, I don't think I could.

10 Q Well could you give us for what he was arrested?

11 A Well, when he was arrested in November in '57,
12 they say he was drunk coming through town driving 75 miles
13 an hour, is what he said. That's what he told me. And he
14 was arrested once before November when he had - let me
15 see - he was arrested, let's see what month was that now -
16 that was after November. I went up there and was telling
17 him about the trouble he was having with his head, Mr. Z. T.,
18 and he told me if he had that kind of trouble any more, come
19 and let him know and they'd take him to the doctor. Well, I
20 did; after he started worrying with it, then I went up there
21 and told him, and they come out there and got him and put him
22 in jail and made him pay a bond of \$25.

23 Q Did you ever make complaints to the Police
24 Department in Dawson about James' drinking?

25 A No sir.

1 Q Did you ever make complaints to the Police
2 Department in Dawson about any conduct of his?

3 A No sir.

4 Q Threatening to whip you or anything of that sort?

5 A No sir, because ever when he be drinking he
6 would lay down and go to sleep.

7 Q Now, at the time he was arrested in November of
8 '57, what was the outcome of that case, do you know?

9 A What you mean about what they did?

10 Q What was the sentence? Was he sentenced or
11 did he pay a fine or put up a cash bond or what?

12 A Yes sir, he paid a fine of \$25.

13 Q In November of '57?

14 A Yes sir, that's when I went up there and told
15 them about his head trouble, he paid a fine then of \$50 -
16 of \$25.

17 Q Now, let's come down to the incident on Sunday.
18 In your suit you say that "on April 20, 1958, about 5:00 PM,
19 that James Brazier, deceased, was illegally arrested by
20 W. B. Cherry and Randolph McDonald, Defendants herein":

21 Where was he at the time he was arrested?

22 A At home.

23 Q Now, do you mean by "at home", the address that
24 you gave me a while ago?

25 A 312 Ash Street; yes sir, that was our house.

1 Q Had you seen James' father, Odell Brazier, that
2 day?

3 A Yes sir, we was in church all day together, from
4 12:00 until 3:00.

5 Q Been sitting?

6 A Yes sir, in church.

7 Q Where?

8 A I Hope Baptist Church in Dawson.

9 Q Were you there at church services?

10 A Yes sir.

11 Q Who was the minister of that church?

12 A Reverend F. A. Andrews.

13 Q Is that the church that's recently been burned?

14 A Yes sir.

15 Q You were there at -

16 A At 12:00.

17 Q - at prayer services, preaching?

18 A Yes sir, first of the service, started at 12:00.

19 Q From 12:00 to 3:00?

20 A Yes sir.

21 Q Is that the usual time of holding church, from
22 12:00 until 3:00?

23 A Yes sir, sometimes it be 12:30 when he start, but
24 the hour we suppose to have been there was 12:00.

25 Q Now, you had seen James' father there at - what's

1 the name of the Church? "I hope"?

2 A "I HOPE".

3 Q At the High Hope Church?

4 A "I HOPE". It's just "I" and "H-o-p-e" (spelling).

5 Q You had seen James' father there at church too?

6 A Yes sir, he was in the prayer service.

7 Q What?

8 A He was in the prayer service.

9 Q In the what?

10 A He said his prayers in prayer service that day.

11 Q Prayer service?

12 A Yes sir.

13 Q Did he have his automobile there that day?

14 A Yes sir.

15 Q What kind of an automobile did he have at that
16 time?

17 A A '56 Chevrolet, green and white.

18 Q '56 Chevrolet, green and white?

19 A Yes sir.

20 Q What kind did James have?

21 A We had a blue and white '58 Impala Chevrolet.

22 Q What was the last time you saw James' father
23 that day?

24 A When he left church at 3:00.

25 Q At 3:00?

1 A Yes sir.

2 Q And did he go ahead of you?

3 A Well, he left ahead - we all left in the road from
4 the Church.

5 Q And that was the last time you saw him that day?

6 A Yes sir.

7 Q Now, where did your husband go at that time?

8 A Well, we left I HOPE, we were on the program
9 at Mt. Mary Church just below Dawson, we was on the program
10 there; and we stayed there from - we got there about 20
11 minutes after 3:00, I guess, or 3:30; and we stayed there
12 until after 5:00 and it was probably going on 6:00, when us
13 left there.

14 Q And then, where did you go?

15 A After we left there, we come on home and he put
16 me out at the house, in which we were living at 312, and he
17 told me to go in the house and fix him something to eat, he
18 was going to take his sister's children, we had two of his
19 sister's children we taken to church and he was going to take
20 them home and he'd be back; and he taken the children home,
21 and he said on the way back he found Mr. Randolph was arresting
22 his father. And he said he stopped and asked him if he had
23 did anything wrong to put him in jail, not to hit him; said
24 he had hit him over one of his eyes and it was swoll up mighty
25 bad. And so, I see'd, I looked out the window where we had a

1 big window, sitting there in front, in the kitchen and look
2 out the front; and I see'd him coming up in his father's car,
3 and another fellow by the name of Bill Roberts was driving
4 our car.

5 And I went to the side door and I asked him, I
6 said, "What you doing in that car?" He said "Well, I went
7 down there and on my way back I saw they had beat daddy and
8 I brought the car on to the house." And he parked his
9 father's car under the car shelter; and he sit down on the
10 back of our car, and he said "You pull up the door and come
11 on let's go on out here to the house and let the children
12 know where daddy at and I can feed the hogs for him."

13 And just as I come out the door to pull up the
14 door, I see'd this car coming so fast, the police car.
15 I said, "Ugh, where they going in such a hurry now?" He
16 said, "They may be coming to tell me daddy need the doctor
17 because I was in bad enough shape." And he said, "Then
18 again, they may be coming after me." I said, "Coming after
19 you for what, you ain't did anything?" He said "No, but you
20 know how they is around here." He said, "The only thing I
21 said was ask them not to hit him but to put him in jail if
22 he did anything wrong."

23 And by that time they had got out of the car and
24 was up in the yard. He got up and started walking towards
25 them to meet them. And so, when he got up there, Mr. Randolph

1 say, "James, what that you say you going to do to me?"
2 He said, "Mr. Randolph, you know I didn't say I was going
3 to do nothing to you." And about that time Mr. Randolph
4 had this arm (indicating) and Mr Cherry grabbed him in the
5 back of his collar back here and give him a shove toward the
6 road. And by Mr. Randolph having hold of his arm, I reckon
7 he probably would have fell if he hadn't had him. And he
8 got up to him and he give him another shove, and by that
9 time he was out against the car, they had him back up against
10 the car.

11 And Mr. Cherry he runs to the front of the car,
12 the dash pocket up there and he got some things and come
13 and put on his wrists here. And he pulled out his pistol
14 and he put it in his chest and said "I ought to blow your
15 God-damn brains out, you smart son-of-a-bitch." He said,
16 "Well, shoot me if you want to, I ain't done nothing for
17 you all to treat me like this."

18 And by that time he struck him right here
19 (indicating).

20 Q Who struck him?

21 A Mr. Cherry struck him right here (indicating).

22 Q With what?

23 A With that pistol he had in his hand. And the last
24 time he pushed him, he struck him right here (indicating)
25 before he got out to the car.

1 Q Now, where were you standing?

2 A I was standing, I was right behind - I was standing
3 about as far from them as from here to that table, hardly.

4 Q About as far as from you to the table?

5 A Yes sir.

6 Q That's about five feet?

7 A I was standing about as far as from where I'm
8 sitting now to the middleways of that table, from where they
9 were.

10 Q Now, was that in your front yard?

11 A Yes sir, side.

12 Q How far is it? Pardon me, did I interrupt you?

13 A The car was parked side the road in front of our
14 driveway. We just have a long driveway from about here to
15 about that door out there, little further, a long driveway
16 in the side.

17 Q Well, would you say that was about 15 to 18 feet?

18 A It might have been a little further.

19 Q Now, what time of day was that?

20 A Oh, it was after 6 o'clock. It was about 6:30
21 or 20 minutes to 7:00.

22 Q Had you had anything to eat all day that day?

23 A I had but he hadn't. He didn't eat at the church.
24 They had dinner at church but he didn't eat.

25 Q Why didn't he eat at church?

1 A Well, he just don't hardly eat off like that.

2 Q Had he had anything to drink that day?

3 A No sir, he didn't have anything to drink.

4 Q I mean liquor or beer?

5 A No sir, he didn't have any.

6 Q Had his father had anything to drink that day?

7 A I don't know, sir, but he didn't look like it.

8 Q When you saw him last when he left the church,

9 was he drinking, had he had anything to drink?

10 A No sir, he didn't look like it.

11 Q I believe you said you were at this Church,

12 I HOPE CHURCH, from 12:00 or 12:30?

13 A Yes sir, it was around 12:00 until 3:00.

14 Q From 12:00 or 12:30 until 3:00?

15 A About 12:00.

16 Q Where had you been during that morning?

17 A Nowhere but at the house.

18 Q Where had James been?

19 A He went and got a shoe shine down town.

20 Q When was the first time that day that you saw
21 your father-in-law?

22 A When we got to church there.

23 Q Now, at the time the officers came late that
24 afternoon and arrested your husband, who was there besides you?

25 A Oh, there was a lot of folks. Let me see. . .

1 Jacob Minter.

2 Q Wait a minute!= Say those names sort of slow
3 for me, please: Jacob Minter?

4 A Yes sir. Doris Minter; James Lewis.

5 Q James who?

6 A Lewis.

7 Q All right, who else?

8 A Carrie Mae Lewis.

9 Q Carrie Mae Lewis, is that his wife?

10 A His wife. And Lucius Holloway; Mary Hyoic.

11 Q Mary Howard?

12 A Hyoic.

13 Q How do you spell that?

14 MR. KING: H-y-o-i-c (spelling), I am told.

15 Q Mr. Bloch: All right, who else?

16 A Miss Blossie Gardner, and Adel Turner; and
17 Emma Kate Lewis.

18 Q Emma who?

19 A Emma Kate Lewis. Well, she's a Holloway now;
20 she's married.

21 Q All right, who else?

22 A And Margie Thompson.

23 Q They were all at your house?

24 A Yes sir, the road was full of people.

25 Q What?

1 A The road was full of people.

2 Q You mean the road was full of people; had they been
3 visiting your house or what were they doing there in the road?

4 A They gathered there when the beating, you know,
5 was going on.

6 Q What?

7 A They gathered there when the polices came.

8 Q Oh, they live in the neighborhood?

9 A Yes sir.

10 Q Did you finish telling me all of them?

11 A No sir. Elmer Anderson, Joe Hyoic; Annie Belle
12 Lattimer and James Lattimer; Mrs. Pearl Harris, Bud Harris,
13 That's as far as I can remember.

14 Q And all of them saw the arrest?

15 A Yes sir.

16 Q They were all there?

17 A They say the speed of the patrol car brought them
18 out.

19 Q Do they live in the neighborhood there?

20 A Yes sir.

21 Q And they were not gathered at your house?

22 A Some of them were in the yard and some of them
23 weee standing on the side of the ditch. My-house was setting
24 right at the road.

25 Q And did you mention Rebecca Williams?

1 A Yes sir, and Bud Tank, that's husband and wife.
2 He's a Williams.

3 Q Now, were they in position to see everything that
4 you saw?

5 A I don't know whether they saw all what I saw or
6 not but I know his wife hollered and turned around and went
7 back up the road.

8 Q Who hollered?

9 A Rebecca Williams. She said she couldn't stand it
10 and she turned around and went back up the road. She didn't
11 come on down.

12 Q Now, when you all came home from the second
13 church that you went to, I didn't get the name of that church?

14 A Mt. Mary; Mt. Mary, that's what I call it, Mt.
15 Mary.

16 Q Who came home with you in the car?

17 A Nobody but my children, my husband and his sister's
18 two children.

19 Q Now, what are their names?

20 A One named Willie James Brazier, Hattie Mae Brazier
21 and Verdie Mae Brazier and James Brazier, Jr. That's the one
22 that Mr. Cherry knocked down.

23 Q Those are your children?

24 A Yes sir, those are my children.

25 Q Now, you said something about some other children?

1 A His sister's two children.

2 Q What are their names?

3 A One's name was Bobby Gene Brazier and the other
4 is named Phyllis Brazier.

5 Q Both named Brazier?

6 A Yes sir, because his sister was not married to
7 these children's father.

8 Q Where do they live?

9 A They live right where they were living then,
10 across from the bathing pool, right in front there.

11 Q Now, when you got in the automobile, how many did
12 that make in the automobile, you and your husband and your
13 four children and - ?

14 A It was six children and me and him.

15 Q Eight in all?

16 A Yes sir.

17 Q In this Chevrolet?

18 A Yes sir.

19 Q What do you call it "Impala"?

20 A Impala, yes sir.

21 Q And you all went straight from the church to your
22 house?

23 A Yes sir.

24 Q Without stopping?

25 A Yes sir. He stopped there and put me out.

1 Q What?

2 A He stopped at the house and put me out.

3 Q And then he went on?

4 A Yes sir, to take the other two children home.

5 Q To take the children home?

6 A Yes sir.

7 Q About what time was that?

8 A It was after 6 o'clock.

9 Q After 6:00, when he let you out at the house?

10 A Yes sir, when he came back in his father's car,
11 it was between 6:30, I think it was, between 6:30 and 7:00,
12 something like that.

13 Q Now, in your suit that you filed in court, you
14 allege this: You know what "allege" means, don't you,
15 you contend, you say this: "That your husband while in the
16 custody of Mr. Cherry and Mr. McDonald, and without just
17 cause, that W. B. Cherry and Randolph McDonald struck the
18 said James Brazier violently upon his head and body with
19 heavy metal instruments, thereby causing bruises, lacerations
20 and contusions of the head and scalp as well as other parts
21 of the body"?

22 A Yes sir.

23 Q Now, will you state to Mr. Joiner for the record
24 the names and addresses of all persons known to you who have
25 knowledge of what I have just read to you?

1 A James Lattimer and Jacob Minter, Doris Minter -
2 Well, I don't have to call the ones' names that I did during
3 that time, do I?

4 Q What?

5 A I don't have to call all of their names.

6 Q Well, that's just with you. You can say the
7 names that I've just given you?

8 A You want me to give him all the names?

9 Q You could just say the names that I gave you a
10 while ago?

11 A And Adel Turner and Lucius Holloway. Mary --

12 Q You might put it this way: Are you trying to
13 remember the names that you gave him a while ago?

14 A Yes sir.

15 Q Well, are there any others? You need not repeat
16 those, if those are the ones. What you're trying to say is
17 that everybody who was there in the road and whose names you
18 gave me a while ago know of that: Now, is there anybody else?

19 A As well as I can remember, that's as far as I can
20 remember. Nettie Kate too, Nettie Kate I forgot.

21 Q Take your time, if you think of anybody else, I'm
22 not trying to hurry you?

23 A Nettie Kate, Mary Carroll; and Katie Alexander
24 too, she was there. Did I call Doris Minter? Hattie B.
25 Williams, did I call her? Did I call James Brazier? That's

1 as far as I can remember now.

2 Q Is that all?

3 A That's as far as I can remember.

4 Q Now, some of those names that you just gave in
5 that list were not among the first list you gave me, are they?

6 A Yes sir.

7 Q Some of them, and there's some more?

8 A Jacob Minter's name was in the first one I gave.

9 Q Are there any in that list that you just gave me
10 who were not in the first list?

11 A Katie Alexander.

12 Q Now, I couldn't get the first name?

13 A Katie Alexander.

14 Q Where was she?

15 A She was standing in my yard.

16 Q Now, after that arrest the officers drove away
17 on off in their car, the police car?

18 A Yes sir.

19 Q And who was the man that had come there with
20 him driving the other car?

21 A Bill Roberts. That's right, his name.

22 Q Bill Roberts?

23 A Yes sir.

24 Q Where is he now?

25 A He's still in Dawson, living in the same place on

1 Ash Street just about 3 or 4 houses from where we were living.

2 Q Was Bill driving your husband's car or your
3 father-in-law's car?

4 A My husband's car; he was driving our car.

5 Q And your husband was driving his father's car?

6 A Yes sir.

7 Q But after the officers took your husband away,
8 what became of Bill Roberts?

9 A He went on back to eat supper, I guess,

10 Q Did he take your car?

11 A No sir, he walked back; he left the car there at
12 the house.

13 Q Now, after the officers took your husband away,
14 that was late Sunday Afternoon, wasn't it?

15 A Yes sir.

16 Q About what time?

17 A They left the house about 10 or 5 minutes to 7:00.

18 Q Now, after that when was the next time you saw
19 your husband?

20 A I didn't see him no more until that Monday Morning.

21 Q The arrest was on Sunday afternoon?

22 A Yes sir.

23 Q About the time that you just said?

24 A Yes sir.

25 Q And then, you next saw him on Monday morning?

1 A Monday morning, yes sir.

2 Q About what time?

3 A It was about 9:30 before I see'd him because when
4 I first went to the jail, they told me he was in the hospital,
5 his father said --

6 Q Who told you that?

7 A His father said they had taken him to the hospital;
8 they told him, he said, that they had taken him to the
9 hospital. Well, I left the jail-house and went to the hospital
10 but they say he hadn't been out there. And I left the hospital
11 and come back to the jail; and after I got back to the jail,
12 they had left the jail and gone to the court, where they have
13 the court at.

14 And when I went upstairs, me and his sister and
15 my sister and my graddaddy went back to where they had the
16 court at; so, we went upstairs and when we got to the door,
17 he was setting slung over in a chair just like this (demonstrat-
18 ing). . . and a long white sheet of slobber was hanging out
19 of his mouth; and I run to him and hollered and grabbed him.

20 Q What was hanging out of his mouth?

21 A Slobber, white slobber.

22 Q Now, who was it with you then?

23 A My sister.

24 Q And call her name?

25 A Annie Bell Adams and Buster Myrick; that's my

1 grandfather, and his sister, Clara Brazier and Sarah Brazier.
2 That was the ones wkth me.

3 Q So, the first time you saw him after his arrest
4 was when you saw him -

5 A - in the courtroom?

6 Q In the courtroom?

7 A Yes sir.

8 Q That's the Mayor's courtroom?

9 A Yes sir.

10 Q And about what time Monday morning was that?

11 A It was about 9:30; might have been a little later.

12 Q About 9:30 Monday morning?

13 A Yes sir.

14 Q Now, after that he was taken to the hospital there,
15 wasn't he?

16 A Yes sir, I took him to the hospital.

17 Q And then, did you call Doctor -- Who called Dr.
18 Ward?

19 A Well, when they give him to me, they told me
20 to take him home and put him in the bed.

21 Q Who told you that?

22 A Mr. Lee.

23 Q Mr. Lee?

24 A Yes sir.

25 Q He was a police officer?

1 A He was the Chief then.

2 Q Where is he now?

3 A He's dead.

4 Q He's the one that's dead?

5 A Yes sir. He told me to take him home and put
6 him in the bed and have him back up there the next Monday
7 morning for trial; and when they got downstairs, Mr. Chapman
8 asked him, said "You ain't going to lock him back up?" He
9 said "No, let her carry him on." And I got in the car and
10 taken him to the hospital, to the Terrell County Hospital.

11 And when I got out there, these two colored
12 boys - Dr. Martin was standing on the porch.

13 Q Dr. who?

14 A Dr. Martin was standing on the porch; and I said,
15 "Dr. Martin, will you come out here and look at my husband
16 for me, please?" Mr. Lee, he followed us to the hospital.
17 And he come out there and looked, opened the door and looked
18 at him, he was laying down in the seat; and he opened the
19 door and looked and slammed the door back, and said "Ain't
20 nothing ailing him, nigger".

21 Q Who said that?

22 A Dr. Martin.

23 Q M-a-r-t-i-n (spelling)?

24 A Yes sir. He said "There ain't nothing ail the
25 damn nigger but drunk." And he went on back in the hospital.

1 Q Is Dr. Martin living now?

2 A Yes sir.

3 Q In Dawson?

4 A Yes sir. That's the doctor Dr. Ward worked with.

5 And so, Dr. Ward, asked him would he look after him; and
6 just before, he sent two boys out there on a stretcher and
7 taken him in the room; and Dr. Ward went in a little room
8 off from where he was and Mr. Lee went in there; and they
9 stayed in there talking for so long, I told them, I said,
10 "He needs working on, I'm going to take him out and take
11 him to another doctor." He said "No", said "wait", said
12 "I'm going to look after him."

13 Q Who said that?

14 A Dr. Ward. And he taken him on down and said he
15 took a x-ray picture of him; and I paid \$15 for the x-ray
16 picture. And when he come out, he told me, he said "It
17 ain't nothing I can do for him, widow".

18 Q "Nothing I can do for him" what?

19 A Widow.

20 Q Widow?

21 A Yes sir.

22 Q Well, he wasn't dead then, was he?

23 A No sir, he wasn't but that's the words he told me;
24 but he said "But I'm going to send him to a bone specialist
25 in Columbus" and he said "I want you to go there just as fast

1 "as you can." He said "If you ain't got your shoes, don't
2 wait to get them." And he went in there on the telephone
3 and he called Dr. Missouri (Hazard) in Columbus, and he
4 talked to him over the phone. I was standing in the room when
5 he was talking. And he told him he was sending a patient up
6 there with a skull fracture, and one of his legs, he drug
7 one of his legs. The bone in it looked like it was broke,
8 this leg was, and this arm, something was wrong with one of
9 his arms.

10 And they taken him on out then and put him back
11 in the car and I went to where he worked at and they give me
12 some gas and I taken him on to Columbus; and when I got there,
13 they was waiting for me.

14 Q Now, when you went to Columbus, who went with you?

15 A His father and his two sisters, Clara and
16 Sarah and myself.

17 Q And he was operated on that night?

18 A At 6 o'clock that Monday afternoon.

19 Q And he died - ?

20 A - that Friday.

21 Q Now, in this suit you say -- Do you want to rest
22 a little?

23 A No sir.

24 Q You say that "During the night of April 20, 1958
25 and the early morning hours of April 21, 1958, the Defendants,

1 "Cherry" -- I'm ... ones. You said that know that he
 2 Cherry, McDonald,
 3 color of state an
 4 concert, wilfully, ..., that's it.
 5 deregation of thei
 6 by law, caused or
 7 be illegally taken
 8 was also used by th

9 Now, wha
 10 is for you to state
 11 known to you having
 12 Defendants caused or permitted your husband to be taken from
 13 the Terrell Cou nty jail?

14 A Yes sir. Mary Carolyn Clyde. Do you mean all
 15 the names I just give?

16 Q What?

17 A Do you mean the names I just give him?

18 Q No, no; the names of all persons, known to you,
 19 who have any knowledge of your husband having been taken from
 20 the Terrell County jail during that Sunday night or early
 21 Monday Morning?

22 A Marvin Goshay; and the lady that was in the cell
 23 with Mary Carolyn, she's named Orrie Lee Gladden.

24 Q I couldn't get that?

25 A Orrie Lee Gladden; and Nettie Kate -- As far as I

1 can remember, that was the ones. You said that know that he
2 was taken out?

3 Q Yes?

4 A As far as I can remember now, that's it.

5 Q Is that all?

6 A To my remembrance.

7 Q Let's see, where there any others?

8 A From what I can remember, them was the ones
9 that was in there, in jail, when he was taken out.

10 Q Well, I want to get you please to tell me some-
11 thing about each one of those: Marvin Goshay, he was in
12 jail, wasn't he?

13 A Yes sir.

14 Q And he's dead?

15 A Yes sir.

16 Q Is he the one who was burned to death?

17 A That's the one.

18 Q He died in an undertaking establishment?

19 A Yes sir.

20 Q In a fire or something?

21 A I don't know, sir.

22 Q But anyhow, he's dead?

23 A Yes sir, he's dead; but anyway, I reckon about

24 an hour before his brother-in-law come and told us he was

25 dead, my sister talked with him at the service station, she

1 was coming from church --

2 MR. KING: Now, I would object to that.

3 MR. BLOCH: I didn't ask her. It's all right
4 with me for it to go out.

5 _____ Q Now, Mary Carolyn Clyde, she was in the jail,
6 wasn't she?

7 A Yes sir.

8 Q What was she in jail for?

9 A Killing her husband, I think.

10 Q And she was afterwards sent over to the State
11 Farm?

12 A Yes, I think she stayed in jail better than a
13 year.

14 Q And Orrie Lee Gladden?

15 A She was in jail too.

16 Q She was in jail too?

17 A Yes sir.

18 Q For what?

19 A I don't know sir what she was in jail for.

20 Q Where is she now?

21 A She's dead too.

22 Q Is she dead?

23 A Yes sir.

24 Q And Nettie Kate?

25 A That was the cook of the jail.

1 Q Nettie Kate was the cook?

2 A Yes sir.

3 Q Was that all you know of her name, Nettie Kate?

4 A Nettie Kate is all I've ever known.

5 Q Is she still living?

6 A Yes sir.

7 Q Does she live in Dawson?

8 A Well, she left Dawson when I left. She's in New
9 York now.

10 Q You don't know her last name?

11 A All I've ever known was Nettie Kate.

12 Q Now, in the suit, going back to the suit now,
13 it's alleged that while your husband "was outside of the
14 jail, he was severely beaten about his head and body, to the
15 point of unconsciousness, after which he was returned to the
16 jail":

17 Now, would you please give me the names and
18 addresses of all persons known to you, having knowledge of
19 that allegation that I've just read you?

20 Q Will you read that again?

21 Q "That while James C. Brazier was outside of the
22 jail and under the custody and control of the Defendants, he
23 was severely beaten about the head and body to the point of
24 unconsciousness, after which he was returned to said jail
25 by the said Defendants or their agents"?

1 A That means after they arrested him from home?

2 Q That's right, during that night?

3 A Mary Carolyn, just as I called, Marvin Goshay;
4 Mary Carolyn Clyde, just as I called her name; Marvin Goshay,
5 just as I called; and Nettie Kate, like I called; and Orrie
6 Lee Gladden. That's as far as I can remember now the names
7 that know it.

8 MR. BLOCH: I think that's all. That's all
9 I have.

10 MR. KING: Okay.

11 -----

12 MR. KING: Mr. Bloch, I would like, with
13 t the particular witness coming up, Mr. Odell Brazier,
14 have an opportunity to examine him on direct after
15 you have finished your cross-examination. Do you have
16 any objections to it?

17 MR. BLOCH: And my answer was, Mr. Joiner,
18 that I have no objection to his doing it but I will
19 not agree that the testimony may be used, because I'm
20 taking this testimony for the purposes of discovery;
21 and, as I understand the rule - I'm telling you this
22 because I don't want you to think that I'm just being
23 obnoxious about it - as I understand the rule, he lives
24 within 50 miles of the place of holding court and,
25 therefore, his depositions are not admissible; or,
maybe it's 100 miles.

1 father of deceased, called by
2 Defendants for purposes of discovery,
being first duly sworn, testified on

3 DIRECT EXAMINATION

4 BY MR. BLOCH:

5 Q Where do you live now?

6 A Dawson.

7 Q What do you do?

8 A Well, I sell a little wood, wood yard.

9 Q What?

10 A Wood yard, run a wood yard.

11 Q How long have you lived in Dawson?

12 A How long what?

13 Q How long have you live d in Dawson?

14 A All my days. I come here four years old.

15 Q How old are you now?

16 A 63.

17 Q How many times have you been arrested in that time?

18 A I disremember.

19 Q Huh?

20 A I disremember.

21 Q Can you give us any estimate of the number of times?

22 A Let's see. . . 5 -- 4 times, as far as I can
remember.

23 Q Well, one of those times was on April 20, 1958:
24 do you remember that date?

25 A Yes sir.

1 Q What day of the week was that?

2 A I don't know, sir. I can't read and I can't keep
3 up with nothing like that.

4 Q Well, do you remember a Sunday in April of '58,
5 that you were arrested?

6 A Yes sir, I was arrested on the third Sunday.
7 I don't know what month it was.

8 Q On the third Sunday in April?

9 A Yes sir.

10 Q Now, at that time were you married?

11 A No sir, I ain't married yet.

12 Q Well, you have been married?

13 A Yes sir, my wife is dead.

14 Q When did your wife die?

15 A In '38, around '38, I think; somewhere along in
16 there.

17 Q Huh?

18 A 1938, I think, somewhere along there.

19 Q On that third Sunday that we're talking about now,
20 where were you living?

21 A I was staying on Third Avenue.

22 Q On Third Avenue in Dawson?

23 A Yes sir.

24 Q Who were you living with?

25 A Over there in the house with a lady named Annie B.
Smith.

1 Q Boarding there?

2 A No sir, just living there with her.

3 Q Did you have breakfast there that morning?

4 A Yes sir.

5 Q About what time?

6 A Talking about on the Sunday morning?

7 Q Yes?

8 A I reckon around about 8 o'clock.

9 Q After breakfast what did you do?

10 A Goes out to see about my chickens and hogs,
11 feeds them.

12 Q Where were they?

13 A Out there across from the bathing, the swimming-
14 bathing, on the old Parrott Highway, used to be highway,
15 that turns off from the Columbus.

16 Q And then after that, what did you do?

17 A Well, I comes back and got ready to go to church.

18 Q Who did you go with -- Did you do anything else
19 that day besides go out there and see about the chickens
20 and so forth, and then go to church, I mean that morning?

21 A Well, no more than fed the chickens and hogs.

22 Q Did you have anything to drink?

23 A No sir.

24 Q About what time did you go to church?

25 A Well, it was right around 1 o'clock.

1 Q What church did you go to?

2 A "I HOPE BAPTIST".

3 Q And who went with you?

4 A This lady, Annie B. Smith and my daughter and two
5 grand-kids.

6 Q Did they go in your automobile?

7 A Yes sir.

8 Q Chevrolet?

9 A Yes sir.

10 Q And how long did you stay at the "I HOPE" church?

11 A I reckon around about 3 o'clock.

12 Q And after that where did you go?

13 A I taken my First Cousin on from I HOPE around by,
14 used to be the Annie Turner place. They stayed up there and
15 I come on up to the store and stopped there and bought the
16 children some drinks; stayed there until they drunk the drinks
17 and I come on and puts the children out and then I goes on
18 to the mission meeting on Third Avenue next door to where I
19 stayed at.

20 Q And on these times, these 4 or 5 times that you
21 could remember that you had been arrested, what were you
22 arrested for?

23 A Well, You want me to come on down? You got this
24 from the church now.

25 Q No, I'm getting away from the church and I went

1 back to something else: I asked you during those 4 or 5 times
2 that you were arrested, what were you arrested for?

3 A Well, one time they arrested me I had been down
4 here to have my mouth worked on, down here to the tooth
5 dentist, named Ellis, I think that's his name, he's dead;
6 and I was going back home and I had a old disc on my wheel
7 which was sprung and it was wobbling; and the Patrolmen
8 blowed, and when they blowed they scared me; and I didn't
9 know hardly how to stop and I just pulled side the road and
10 stopped when I could. And they put me in the Leesdburg jail,
11 said I had slack brakes.

12 Q Have you ever been arrested in Dawson for drinking
13 whiskey?

14 A Not as I knows of.

15 Q All right, let's come back to this Sunday now:
16 Tell me what you did? You brought the children from church
17 and bought them some candy, did you say?

18 A Yes sir, soft drinks.

19 Q And then, what did you do?

20 A I comes on then and puts them out to the house;
21 and then I left and goes on to the mission meeting.

22 Q Go to what?

23 A The mission meeting.

24 Q Mission meeting?

25 A Yes sir, and I stayed there until between 5:30 and

1 6 o'clock and come on out. I didn't stay there until they
2 dismissed. And goes back out to feed up for that evening.
3 Then, when I made my turn off of the Columbus highway
4 and got on the old Parrott road to the left, then they
5 stopped me; the law stopped me.

6 Q Who stopped you?

7 A Randolph.

8 Q Randolph?

9 A Yes sir.

10 Q Is that his full name?

11 A Sir?

12 Q Is that his whole name, "Randolph"?

13 A That's all I ever knowed of.

14 Q And what did he say when he stopped you?

15 A Well, he ask me, say "Where you going?" I said,
16 "I'm going out to feed my hogs." He said, "You've been
17 running, driving this car up and down the road all day";
18 said "you liked to have run over a white lady." I said,
19 "No sir, not me." I said "I been in service all day." And
20 I had my afm on the door just like this (demonstrating) talking
21 to him, just like you got your arm out the door and got it that
22 way. And he say, "Get out of your car, open the door". And
23 that pulled me over and he hit me right across there (indicat-
24 ing); and I couldn't see nothing, got blind; everything got
25 like somebody smoking a cigarette and falling. And I could

1 jyst hear people right at that time but couldn't see them.

2 Q Now, did anybody see that besides -- ?

3 A I couldn't tell you.

4 Q Did you see your son?

5 A I just heard his voice. I heard him say "Don't
6 hit daddy no more, I'll get him in the car." And when I heard
7 him, I was getting in the car and he hit me right back of my
8 head right back there (pointing). . .

9 Q Did he take you to jail?

10 A Yes sir.

11 Q All you heard between the officer and your son
12 was what you've told me?

13 A He said "Don't hit daddy, I'll help get him in
14 the car."

15 Q And when he took you into the car, I mean in to
16 the jail, what happened then? Did they put you in a cell?

17 A Well, they didn't, say, put me in a special cell.
18 All of us was in the run-around. We could go in the cells
19 because the doors was open and I just took the far cell towards
20 the courthouse and lay down in it.

21 Q Now, after that, after you heard your son say
22 what you just said, did you ever see any more? Did you ever
23 hear him any more?

24 A Yes sir, looked like it was around about 30 minutes
25 or a hour, something like that, before they bring him in.

1 Q And where were you then?

2 A In the jail.

3 Q In the run-around or in a cell?

4 A Well, just in the run-around. You could go in the
5 cell, just like that door. You could go in airy cell you
6 want.

7 Q Who brought your son in?

8 A I don't know, sir. I couldn't tell you. You
9 see, we was back there and they brought him in from the front.

10 Q When you saw him, nobody was with him?

11 A Nobody was with him. They just opened the door
12 like that, unlocked, and I was standing over here by the
13 window; and I heard the door slam and I looked around, I
14 turnt this way and there was him; and he was coming right
15 to me. And I hollered, I said, "Son, they got me, what
16 they got you for." He said "I don't know, sir, daddy";
17 said when they come back over there, I was setting on the
18 back of my car, waiting for her to shut the house up and I
19 was fixing to go feed your hogs; and I thought they was
20 coming down there to tell me something about you. I said,
21 "Well, they ain't hurt you." He say "No sir, I feels all
22 right; they have hit me back here and up here somewhere."
23 And I said "Well, all-right, sit down." And me and him got
24 to talking then about the church.

25 Q About what?

ABOUT WHAT?

1 A About the church down here at Zion near the
2 creek, just talked around there until we got kind-of sleepy;
3 and I said "Well, you lay down over there and I'll lay down
4 over here"; pulled his shoes off and I say you lay them up
5 over here overhead by the bunk, and his hat off; and laid
6 his pocket-book up there too. So, when he come in there
7 sometime that night and got him, I don't know.

8 Q Now, do you know that they come in there that
9 night and got him?

10 A No sir, if I had knowed they'd come in there,
11 they'd had to carry me with him.

12 Q All right; so, you don't know anything about that?

13 A No sir.

14 Q Now, did you eat any supper that night?

15 A No sir.

16 Q Did he?

17 A No sir. Supper?

18 Q Yes, that Sunday night?

19 A No sir.

20 Q Had you had anything to eat all day?

21 A Well, I 'et when I come from the church and
22 stopped by the house, parked my car and then walked next
23 door to the mission, I e't before I left there about
24 3 o'clock.

25 Q Now, am I right, correct, in saying that you don't

1 know anything about anybody coming and getting him out of
2 the jail that night?

3 A No sir, no sir.

4 Q Did you see him the next morning?

5 A Yes sir.

6 Q About what time?

7 A Well, I imagine it was about a quarter to 9:00.

8 Q Where was he then?

9 A Well, they was bringing him from out back on that
10 side.

11 Q Wait a minute! Now, tell me again?

12 A I said when I see'd him that next morning, they
13 had us coming out and Chapman coming out from over on the left
14 side coming that way (indicating) and he was trying to come;
15 and he went there and I got up under his shoulders, put my
16 shoulders up under his arm; and another boy, I don't know who
17 he was, and he got on the other side and we carried him on
18 and put him in the law's car. We just had to nearly about
19 tote him. He was just dragging his foots.

20 Q In the law's car, did you say?

21 A Yes sir.

22 Q And where did you all go then?

23 A To the council room.

24 Q Where they have the Mayor's, the Police Court?

25 A Yes sir.

1 Q Was he there at the police court; was your son there?

2 A Yes sir, we carried him upstairs.

3 Q Who carried him upstairs?

4 A When I got there, her daddy, her grandpa hope me
5 get him upstairs.

6 Q You mean your daughter-in-law's grandfather?

7 A Yes sir.

8 Q What's his name?

9 A Buster Myrick.

10 Q Then, you went upstairs too?

11 A Yes sir.

12 Q And when you got upstairs, did they have court?

13 A Yes sir.

14 Q And what did they do about him?

15 A Well, they sa y "James Brazier¹." And they
16 called him twice and I said "My child can't talk." He
17 said, "Well - ".

18 Q Who was that, the Judge?

19 A Yes sir.

20 Q What's his name?

21 A I don't know - What;s his name, you know? I don't
22 know nothing about them law's up there much. But anyway -

23 Q Was it the Mayor?

24 A I reckon; I don't know.

25 Q Was his name Singletary?

1 A I don't know whether Mr. Singletary was on then.
2 He might have been, I don't know.

3 Q But you don't remember his name?

4 A No sir. And he said, "James Brazier, are you
5 guilty or not guilty?" My boy couldn't say nothing. I say,
6 "He can't talk." He said, "Well, have him back up here next
7 Monday at 9 o'clock."

8 Q And that was the end of his trial?

9 A Yes sir, that was his trial.

10 Q Now, did you ever see him any more after that?

11 A Yes sir.

12 Q Where?

13 A We carried him over to the Terrell County --

14 Q How did you get out?

15 A Well, we all come on up there together. They had
16 my trial first. He asked me was I guilty or not guilty.
17 Well, I was so upset about my child and half scared too,
18 and I didn't know what to do because they done nearly about
19 beat my child up and hit me; and I say "I'm guilty." Well,
20 they fined me \$115. I said, "Well, I've got to carry my
21 child to the hospital." I said "I'll see you all when I come
22 back."

23 So, we got the child and put him in her car and
24 rushed him over to the hospital.

25 Q You and who?

1 A Me and her (Hattie Brazier) and my daughter; and
2 we got over there and stayed over there a good while; and
3 then, we had to take him and carry him to Columbus.

4 Q Now, what did they fine you \$115 for?

5 A That's what I told you the first time down there;
6 they said I had beendriving the car all day that Sunday and
7 liked to have run over a white lady.

8 Q Well, they tried you and you had pled guilty
9 before they tried or before this happened about trying your
10 boy, is that right?

11 A Yes sir, they tried me first.

12 Q And did you pay the \$115?

13 A Yes sir.

14 Q When did you pay that?

15 A I went on over to the hospital and left the
16 hospital and went on out to her house and picked up my car,
17 where he had done carried it over to her house, and went out
18 to the house; and I had some money out there to the house and
19 the children had done moved it and I come on back to the bank;
20 and Mr. -- the Chief of Police, he's dead now - I can't call
21 his name --

22 Q Mr. Lee?

23 A Lee. He was standing there to the bank waiting
24 until I come. I walked in the bank and he got a check and he
25 wrote the \$115 and I didn't have nothing to do but sign my

1 name. Well, I couldn't see how to sign my name. I went over
2 there and told the little bank, the people been knowing me,
3 to go ahead and cash him out \$115.

4 Q Now, what was the name of the person that gave
5 you the \$115?

6 A Well, I don't know what that little ole low white
7 fellow name, work there in the bank; he in there yet. I don't
8 know what his name.

9 Q Well, describe him to me, the best you can?

10 A I don't know, I can't describe him.

11 Q Well, was he a teller, was he a teller in the
12 bank, a clerk in the bank?

13 A I don't know, sir; he been in there a good little
14 bit, a little low fellow.

15 Q But he cashed the check?

16 A Yes sir.

17 Q Without your signature on it?

18 A No sir, I made a cross-mark after I couldn't see
19 how to sign my name.

20 Q Have you got that cancelled check?

21 A Well, it's down to the house somewhere.

22 Q You say the cancelled check, you thought, was
23 down to your house?

24 A Yes sir.

25 Q Somewhere?

A Been down there so long I couldn't say that I could

1 just find it and get it. I had a heap of papers in a thing
2 there. The rats may be done cut it up. I don't know but I'll
3 look for it.

4 Q Now, after you paid the \$115, where did you go
5 then?

6 A Us went to Columbus.

7 Q Did you go to Columbus?

8 A Yes sir.

9 Q In the same car?

10 A Yes sir, in her car.

11 Q And how long did you stay there?

12 A Stayed up to Columbus?

13 Q Yes?

14 A Stayed up there that night and come back home
15 late that evening and went back.

16 Q And he died?

17 A Yes sir, I didn't go back -- well, I didn't go
18 back that Friday, I think. I didn't go back that Friday but
19 she went and when she come back, she notified me he was dead.

20 Q Now, that was on Friday?

21 A Yes sir.

22 Q Now, when was the funeral?

23 A It was on Wednesday, I believe.

24 Q The following Wednesday?

25 A I just can't remember.

1 Q Well, when did you get arrested the next time?

2 A Well, after I done left the funeral, gwiling on
3 back on Third Avenue, when I was gwiling up Main, the law
4 passed by. Well, I turnt and goes in towards the stock-yard
5 to get on Vine Street and just as soon as I got up there by
6 lawyer Ferguson's place of business, the traffic light had
7 me. Well, it wasn't on. Well, I stopped and I looked both
8 ways and I pulled on off and time I got across there by the
9 International place, they run up behind me and stopped me.

10 Q Who?

11 A Mr. Hancock and that other man, he's dead, I can't
12 wall his name. And I say, "What's the trouble?" "How come
13 you didn't stop for the stop sign?" I said "I stopped."
14 He said, "You didn't stop still." I said "Yes sir, I had
15 to put my car in low gear to start off." He told me to get
16 out and he carried me and locked me up.

17 Q Well, were you arrested then?

18 A Yes sir, then's when they arrested me again.

19 Q Did they take you to jail?

20 A Yes sir.

21 Q How long did you stay in jail then?

22 A I reckon I stayed in there around about 15 or 20
23 minutes.

24 Q How did you get out?

25 A Paid \$25.00.

1 Q To whom?

2 A I went in the courthouse and Mr. - oh, I can't
3 call that man that's dead - but anyway, him and Hancock was
4 there and that's who I give the money.

5 Q Did you have that money in your pocket?

6 A Yes sir.

7 Q In cash?

8 A Yes sir.

9 Q And you made \$25, what they call, cash bond?

10 A Yes sir.

11 Q And then, did you go to police court the next
12 morning?

13 A No sir.

14 Q You just let it go?

15 A Yes sir.

16 Q Now, is that the last time you've been arrested?

17 A No sir.

18 Q When was the next time?

19 A Well, the next time, the next time they arrested me,
20 I was at Joe Jordan's sawmill, working for him, driving my
21 truck and his truck; load one, drive it out of the way and
22 go back and load the other one. Then, when I load that one,
23 I pulled it out and get one and carry it on. And coming on
24 back, stopped, I was driving my truck then, stopped at fellow's
25 house and put some water in the radiator, got hot. So, I

1 cranked up and come on in and when I got there, my daughter
2 said, "Daddy", I said "What?" She said, "Mr. Hancock say
3 come up there and give bond." I said "Bond for what?"
4 She say "Well, they caught some white folks and they rushed
5 them so close they dropped off some whiskey here and as they
6 went to drive out the driveway, Hancock and them was coming
7 by and he just turned around and caught them"; and charged
8 me \$250 bond; and the Court said I'd have to pay \$125 of
9 that.

10 Q Now, when was that, how long after your son's
11 death?

12 A Well, that was last fall.

13 Q Oh, this incident you're telling about now was
14 just last fall?

15 A Yes sir.

16 Q And that money which you spent, was that in the
17 Mayor's Court or in the State Court or what?

18 A State Court.

19 Q Superior Court?

20 A Yes sir.

21 Q Who is the Solicitor-General, Mr. Patterson?

22 A I don't know, sir. I don't know, sir.

23 Q Did you plead guilty or what?

24 A Yes sir, I went to 2 or 3 white ladies, what I
25 stayed with when my children was small; and I asked her, I

1 said "Fannie Will", I said "What about gwiling on my bond",
2 I said "I'm not guilty of this here?" She said, "Man, I'm
3 a lady", said "I'm not allowed to go on nobody's bond." And
4 she said, "Well, what happened?" And I told her. I said
5 "Bunch of white folks, the law caught them there." She said,
6 "Well, they caught it on your premises." I said "Yes'um
7 but they caught them white folks on them premises too."
8 I said "They shouldn't put me in jail about catching somebody,"
9 So, they had done jumped and they got away. You see, my
10 house is up on a hill and you can't see a car in the highway
11 when you're down behind. So, I reckon they thought the law
12 had done passed me when they went out --

13 Q Well, what I'm trying to get at is, the money
14 that you paid, did you pay it as a fine; did they fine you
15 that?

16 A Yes sir.

17 Q On what charge?

18 A Yes sir.

19 Q What was the charge?

20 A The charge with the whiskey.

21 Q And that was before the "big court", the Superior
22 Court?

23 A Well, the man went on my bond in big court and
24 that's what I had to pay.

25 MR. BLOCH: I think that's all.

DIRECT EXAMINATION

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BY MR. C. B. KING:

Q I have one or two questions I would like to ask the witness on direct: Mr. Brazier, I submit to you a diagram which purports to be a diagram of the Terrell County jail: would you say that it represents a rough copy or a rough diagram of what the Terrell County jail looks like?

A Yes sir.

Q Now, we notice here that there are two wings to the jail, is that right?

A Yes sir.

Q One to the west and one to the east, is that right?

A Yes sir.

Q Now, you testified a moment ago that you were brought and put in jail?

A Yes sir.

Q On the Sunday afternoon, the third Sunday afternoon in April, is that right?

A Yes sir.

Q Now, what wing of that jail were you put in?

A I comes in from the front of the courthouse.

Q Well, where would the front of the courthouse be?

A The courthouse was setting here (indicating on diagram). . . and comes in here and goes into a --

Q Now, when you say "here", you mean the courtyard,

CLAUDE JOINER REPORTING SERVICE

1 is that right?

2 A Yes sir.

3 Q You come into the court yard?

4 A Yes sir.

5 Q In between these two here, these two wings?

6 A The jail-house yard. I comes on in the jail
7 house and walks up the steps, one step from the floor, goes
8 in here and he unlocked a door.

9 Q Now, when you say you go in here, you mean what
10 wing?

11 A To the right going in from the courthouse.

12 Q Then, that would be the west?

13 A Yes sir.

14 Q That's where the sun sets in the afternoon, is
15 that right?

16 A Yes sir.

17 Q Then, you were taken into the west wing, is
18 that correct?

19 A Yes sir.

20 Q Now, what is in the area in which you were
21 immediately taken? What's in this area, that's the area here
22 (pointing on diagram)?

23 A That's the run-around in there.

24 Q The run-around, what is the run-around?

25 A Well, just like this is the jail over here, you

1 can come in door here and walk around, got bars this way
2 (indicating) and he can come in there and talk with you.
3 That's the run-around.

4 Q Then, in the run-around, can one get from any of
5 the cells which are lined up against the wall on that west
6 wing?

7 A No sir.

8 Q Now, what I mean is, are these doors open to the
9 cells?

10 A Well, these doors is open but, you see, you've
11 got a vent to the wall; and then there's another place out
12 there just like a pen, you know you can walk around or you
13 can go to them bars and talk with them.

14 Q Well, what I'm trying to determine is, whether
15 persons who are in this wing of the jail in these cells would
16 be able to come into the run-around without unlocking their
17 cell doors?

18 A Yes sir.

19 Q In other words, the cell doors are open, is that
20 correct?

21 A Yes sir, they can come out of them.

22 Q Come out of the cells?

23 A Yes sir.

24 Q And come into the run-around?

25 A Well, the run-around is just like the wall here;

1 here the cells over here, there's a wall here and a thing
2 on this side just like a pen, and I call that the run-around.

3 Q Then, you came come out of the cells at will?

4 A Yes sir.

5 Q Into the run-around, is that correct?

6 A Yes sir. I don't know what they call that out
7 there.

8 Q Well, I'm asking you about the run-around: You
9 can come out of the cells into the run-around, is that correct?

10 A Yes sir.

11 Q Now, when did you say you saw your son after you
12 had been put into jail?

13 A It seems like to me it was around about an hour
14 or hour and a half, something like that time.

15 Q Then, he was brought to the jail?

16 A Yes sir.

17 Q Now, what, if anything, did the two of you do at
18 the time he was brought in there?

19 A What did I do?

20 Q Yes?

21 A Nothing but when I looked around and see'd him,
22 I heard the door slam; I had my back towards where he come
23 and I heard the door slam; and I turned around; and I looked
24 and done this (indicating) and I see'd him and I holleed,
25 "I said "Lord, my child!" I said "What they done to you?"

1 He say "I don't know, sir, daddy." He say, "I was fixing to
2 go feed your hogs." He said "I waited until her locked the
3 door and I thought the law was coming out there to tell me
4 something about you."

5 Q In other words then, are you saying that the two
6 of you talked?

7 A Yes.

8 Q During the time that he was there in the cell?

9 A Yes sir.

10 Q How long would you estimate that the two of you
11 talked?

12 A Well, we was just sitting down there talking
13 around about two hours, I reckon.

14 Q You talked for about two hours?

15 A Yes sir.

16 Q Then, what did you do, if anything?

17 A Well, I said, "Well, Son, I'm getting sleepy."
18 I said "You lay down over there and I'll lay down right over
19 here, so we'll be facing one another."

20 Q Now, I take it from what you say that the two
21 of you were then in a cell?

22 A Yes sir.

23 Q In the west wing of the Terrell County jail?

24 A Yes sir.

25 Q What cell were you in?

1 A I was in the last cell towards the courthouse.

2 Q Then you were, you and your son were in the last
3 cell?

4 A Yes sir.

5 Q In the west wing of the Terrell County jail?

6 A Yes sir.

7 Q Now, you say then that you talked together for
8 about two hours?

9 A Yes sir.

10 Q And you ^{said} you said something about you were sleepy:
11 now, what, if anything, did you do after that?

12 A Well, I generally get up at my house, I kind-of
13 estimate it from the way I got up at home, getting up.

14 Q Well, the question I am really interested in,
15 did you go on off to sleep?

16 A Yes sir, I went on to sleep when I laid down.

17 Q Did you see your son lay down?

18 A Yes sir.

19 Q Now, after you went to sleep, did you have an
20 occasion to see your son again?

21 A No sir, when I woke up, he was missing.

22 Q Now, when was this that you woke up?

23 A Well, I couldn't tell exactly what time of night
24 because I didn't keep no timepiece, but when I woke up, I
25 went upthere, I heard some boys talking up there; and I went

1 up to the far end next door to the last cell on the right
2 walking back; and this boy was named Goshay and another
3 boy was setting there talking. I said, "Where's bubber?"
4 He say "They come and got him and carried him to the doctor."
5 And I said, "Well, how long has it been?"

6 Q Now, there's one thing I want to ask you: Then,
7 you're saying that your son was missing when you got up;
8 for what purpose did you get up?

9 A To go to the rest room.

10 Q To go to the rest room?

11 A Yes sir.

12 Q Do you have any way of estimating the amount of
13 time that you slept?

14 A No sir, I couldn't tell unless'n about an average
15 around three hours or something like that.

16 Q What, if anything, occasions you to speculate
17 that it might have been three hours?

18 A Well, I couldn't just tell you the straight
19 truth. I don't know exactly what time it was, what time
20 of night it was, and I wouldn't say because my eye was
21 paining me and the back of my hedd was hurting; and I just
22 tell you the truth, I don't know exactly what time of night
23 or what.

24 Q But it is your testimony that when you went to
25 sleep, tha6 was the last time that night -

A

1 A Yes sir.

2 Q - that you saw your son -

3 A Yes sir.

4 Q - until the following morning?

5 A Yes sir. I left him smoking a cigarette before
6 I went to sleep. He lit him a cigarette and I went on to
7 sleep.

8 MR. KING: Okay. There are no further
9 questions, I think.

10 RE CROSS EXAMINATION

11 BY MR. BLOCH:

12 Q There's one I overlooked asking: Do you know
13 Eugene Magwood?

14 A No sir.

15 Q Do you know a man that worked about the courthouse
16 and jail named Gene Magwood?

17 MR. KING: They called him "Gene"; everybody
18 just knows him as "Gene".

19 Q Mr. Bloch: Do you know a man that worked
20 about the courthouse and jail named Gene?

21 A Oh, you mean the colored fellow?

22 Q The colored fellow, yes?

23 A Yes sir, I know him.

24 Q Did you see him that night when you were in jail?

25 A No sir.

1 Q Did you see him the next morning?

2 A Yes sir.

3 Q Where did you see him the next morning?

4 A Out there in the yard right at the window,
5 sweeping the yard out there.

6 Q In the front of the courthouse?

7 A No sir, right in the jail-house yard.

8 Q About what time of morning was that?

9 A Well, as close as I can average of it, it looked
10 like it was around about 6 o'clock. You could see the City
11 clock then.

12 Q You were inside the jail?

13 A Yes sir.

14 Q And he was out sweeping in the yard?

15 A Yes sir.

16 Q Did you all have any conversation together?

17 A No sir.

18 Q Is that the only time you saw him that morning?

19 A Well, I see'd him several times but he was just
20 regular going.

21 Q When you werex coming outgoing to the police
22 court =the Mayor's Court, that morning, did you see him then?

23 A I tell you the straight truth, I disremember.

24 I don't know whether he the one unlocked that door for all
25 of us to go out or who, been so long.

1 Q You don't remember that?

2 A No sir.

3 Q Do you know Mary Carolyn Clyde?

4 A That's a lady?

5 Q Was she in jail there that night?

6 A If I did, she wasn't over there with us. I don't
7 know.

8 Q Did you see her that night?

9 A I don't remember seeing no lady.

10 Q Do you know Marvin Goshay?

11 A Yes sir.

12 Q Did you see him that night?

13 A Yes sir, that's who told me when my child, that
14 they come in there and carried him to the doctor.

15 Q He's dead now, isn't he?

16 A Yes sir.

17 Q And Orrie Lee Gladden, do you know her?

18 A I don't believe I do.

19 Q Nettie Kate, the cook at the jail, do you know her?

20 A The lady that cooked at the jail?

21 Q She's the cook at the jail, Nettie Kate something?

22 A I can't place him.

23 Q It's a "her", I think?

24 A I don't know but one somebody that was cooking
25 there at the time, at the jail-house.

1 Q Who was that?

2 A She was named Nettie Rose, something like that.

3 Q All right, that's all; thank you.

4 (Signatures of witnesses WAIVED)

5

6 Depositions concluded: 11:35 AM 11-24-62

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
AMERICUS DIVISION

HATTIE BRAZIER, widow of
James Brazier, deceased,
Plaintiff

v.

W. B. CHERRY, RANDOLPH McDONALD,
ZACHARY T. MATTHEWS, et. al.
Defendants

Civil Action

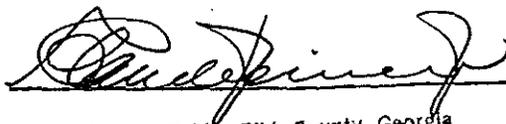
No. 475

GEORGIA BIBB COUNTY:

I, Claude Joiner, Jr., the Notary Public and Court Reporter named herein, CERTIFY that in such capacities I reported in shorthand the depositions of HATTIE BRAZIER, Plaintiff, and ODELL BRAZIER, father of deceased, called at time and place herein stated by Defendants in above case for discovery under Rule 26, Federal Rules of Civil Procedure, and on the foregoing pages numbered 2 to 63, both inclusive, have transcribed a true and correct record thereof.

I FURTHER CERTIFY that I am not counsel for or related to any party to the above Civil Action and have no interest in the event thereof.

IN WITNESS WHEREOF, I have hereunto set my official hand and seal as Notary Public, at Macon, Georgia, this the 1st day of December, 1962.



(L. S.)

Notary Public, Bibb County, Georgia
My Commission Expires Aug. 27, 1965.

CLAUDE JOINER REPORTING SERVICE

Public High County Georgia
Commission Expires Aug. 27, 1965

[Handwritten Signature]
OFFICIAL REPORTER, U. S. COURT
MIDDLE DISTRICT OF GEORGIA

Public High County Georgia
Commission Expires Aug. 27, 1965

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
AMERICUS DIVISION

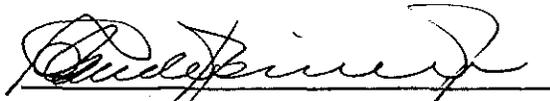
HATTIE BRAZIER, Plaintiff

v.

W. B. CHERRY, et. al. Defendants

Civil Action
No. 475

Depositions of HATTIE BRAZIER, Plaintiff, and of
ODELL BRAZIER, father of deceased,
called by Defendants for purpose of discovery,
before the undersigned at Room 317 Post Office
Building, Albany, Georgia, beginning 10:00 A. M.,
November, 24, 1962.



Notary Public, Bibb County, Georgia
My Commission Expires Aug. 27, 1965

OFFICIAL REPORTER, U. S. COURT
MIDDLE DISTRICT OF GEORGIA

CLAUDE JOINER, JR.
OFFICIAL REPORTER, U. S. COURT
M-D GA., BOX 94, MACON, GA.

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TO: HONORABLE JOHN P. COWART, Clerk,

United States District Court,
Middle District of Georgia,

Macon, Georgia.

Original depositions herein received in sealed envelope
and FILED, this the 24 day of December, 1962.


Betty R. Jones
Deputy Clerk, U-S-D-C - M-D Georgia.