

J. W. MILAM AND ROY BRYANT

TRIAL TRANSCRIPT

SUMNER, MISSISSIPPI

SEPTEMBER 19-23, 1955

I N D E XWITNESSES

<u>For the State:</u>	<u>Direct</u>	<u>Cross</u>	<u>Re-Direct</u>	<u>Re-Cross</u>
Mose Wright	4	29		
Chester A. Miller	64	74	76,94	98
C. A. Strickland	80			
George Smith	85	87	91,116,128	121,131
Robert Hodges	100			
B. L. Mims	110			
John Ed Cothran	133	137,159	174	
C.F. (Chick) Nelson	177	179		
Mamie Bradley	180	187		
Willie Reed	210	226	241	
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For the Defendants:

Mrs. Roy Bryant	258			
Mrs. J. W. Milam	277	280		
H. C. Strider	281	287	292,302	303
Dr. L. B. Otken	293	298	301,	302
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ORGANIZATION OF COURT

STATE OF MISSISSIPPI)
)
 TALLAHATCHIE COUNTY) In the Circuit Court

SEPTEMBER TERM. 1955

BE IT REMEMBERED, that a regular term of the Honorable Circuit Court of the Second District of the County of Tallahatchie, State of Mississippi, convened in the town of Sumner, in said County and State, on this, the 19th day of September, 1955, at the time and place designated by statute for the convening of said Court:

Present and presiding: Hon. Curtis M. Swango, Jr., Circuit Judge, Seventeenth Judicial District of the State; present, Hon. Gerald Chatham, District Attorney; Hon. Robert B. Smith, III, Special Assistant to the District Attorney; Hon. Hamilton Caldwell, County Attorney; H. C. Strider, Sheriff; Charlie Cox, Circuit Clerk; and James T. O'Day, Court Reporter:

Court being duly and regularly convened by proclamation of the Sheriff, the following proceedings were had, to wit:

STATE OF MISSISSIPPI }
) In the Circuit Court
TALLAHATCHIE COUNTY)

SEPTEMBER TERM, 1955

STATE OF MISSISSIPPI)
)
 VS)
) No. _____
J. W. MILAM and ROY BRYANT }

Indictment: Murder

PROCEEDINGS:

This day this cause came on to be heard, on this the 19th day of September, A. D. 1955. Comes the District Attorney, came also the defendants, each of them in his own proper person and represented by counsel and announced ready to proceed herein.

Whereupon, came a jury selected from the regular panels of the week and a special venire from this County, composed of J. A. Shaw, Jr., Ed Duvaney, Bishop Matthews, L. L. Price, Howard Armstrong, Ray Tribble, Davis Newton, James Toole, George Holland, Travis Thomas, Gus Ramsey and Jim Pennington, all good and lawful men, being specially sworn to try the issue.

Thereupon the cause proceeded to trial before the Judge aforesaid, and the Jury aforesaid, when and where the following proceedings were had, as follows:

THE COURT: Do you gentlemen desire to make any pre-

liminary statement?

MR. CHATHAM: No Sir.

The District Attorney, for and on behalf of the State of Mississippi, then and there introduced the following testimony and evidence, that-is-to-say:

FOR THE PROSECUTION

MOSE WRIGHT,

a witness introduced for and on behalf of the State, being first duly sworn, upon his oath testified as follows:

DIRECT EXAMINATION

BY DISTRICT ATTORNEY CHATHAM:

Q Will you please state your name to the Jury?

A Mose Wright.

Q Uncle Mose, where do you live?

A Money.

Q Is that Money, Mississippi?

A Yes, Sir.

Q And where is Money with reference to Philipp in Tallahatchie County?

A It is -- I think it is about north, maybe northeast.

Q Do you mean Philipp is north of Money?

A Yes, Sir, that is what I think.

Q How long have you lived in that community, Uncle Mose?

A Ever since '46.

Q And on August 28th, of this year, where were you living near Money?

A Where was I living?

Q On whose place were you living?

A Mr. G. C. Frederick.

Q And in which direction from Money is Mr. Frederick's place?

A East.

Q And about how far from Money is that?

A Three miles.

Q Uncle Mose, are you a married man?

A Yes, Sir.

Q How much family do you have?

A Oh, I have twelve.

Q You have twelve in your family?

A But they are not all with me, you know.

Q In August of this year, how many of your family were living with you there at your home, living with you and your wife there?

A There was only me, and my wife and three children.

Q There was you, and your wife and three children living there at that time.

A Yes, Sir.

Q What kind of house do you live in, Uncle Mose?

A We live in a six-room house.

Q Will you tell the jury how those rooms are arranged?

A I think so.

Q Well, tell them, please.

A Well, the house in the east is a living room, and on the west there is a living room, in the front, you know, and there is a screened-in front porch facing north; and there is a kitchen between those rooms, and there is a door that enters into the east room, but it goes right on through to the south room, you know.

Of course, there is a partition there, and we have got to go through this door there, and it is the same way over on the other side. There is a west door that enters into the west room. And then we just go on around there and that is the way we enter the side of the other rooms there. That is where the bedrooms is.

Q From your explanation of the floor plan of your house, I take it that there are two rooms on the front, is that right?

A Two on the front, that's right.

Q And your house faces north, is that right?

A Yes, Sir.

Q How close is your house to the road?

A It is fifty some feet, I think, about fifty feet.

Q Are there any trees in your yard between your front porch and the road?

A Yes, sir.

Q Now, specifically on the night of August 27th, Saturday night, August 27th, who was there at your home at bedtime?

A Well, at bedtime, there was Curtis Jones, my grandson; and Wheeler Parker, my grandson; and Emmett Louis Till, my nephew -- I am his uncle; and Lillybeth Wright, my wife; and Maurice and Robert and Simon, my sons.

Q Uncle Mose, tell the jury about what time that Saturday night your family went to bed.

A. My wife was already in bed. Of course, myself and the boys, we went to bed about one o'clock. We had went to Greenwood that night, and we came in about one o'clock.

Q Had you, and your wife and all the members of your family been to Greenwood that night?

A My wife didn't go. It was just the boys that went.

Q And she remained at home, is that right?

A Yes, Sir.

Q And you got back with them about one o'clock?

A Yes, Sir.

Q And you immediately went to bed, is that right?

A Yes, Sir.

Q Now, I want you to tell the jury in which room of your house did Emmett Till go to bed?

A Well, the east room, my wife and I sleep there.

Q Then we will call it the east front room, is that right?

A That's right. And there is a door that leads out to the side room there. That is where Emmett Till was.

Q And who went to bed with Emmett Till that night?

A Simon, my baby.

Q And Simon and Emmett Till were the only two people in that room that night?

A That's right.

Q Now, Uncle Mose, after you and your family had gone to bed that night, I want you to tell the jury if any person or if one or more persons called at your home that night, and if they did, what time was it?

A About two o'clock.

Q What was the first thing that attracted your attention to the fact that there was someone about your premises?

A Well, someone was at the front door, and he was saying, "Preacher - - Preacher." And then I said, "Who is it?" And then he said, "This is Mr. Bryant. I want to talk to you and that boy."

Q Do you know Mr. Bryant?

A I just know him since he came up here. I couldn't see him that night so well, only with that flashlight there, and I could see that it was this other man. Mr. Milam. But I know Mr. Milam.

Q You know Mr. Milam, do you?

A I sure do.

Q And then what did you do?

A Well, I got up and opened the door.

Q And what did you see when you opened the door?

A Well, Mr. Milam was standing there at the door with a pistol in his right hand and he had a flashlight in his left hand.

Q Now stop there a minute, Uncle Mose. I want you to point out Mr. Milam if you see him here.

A There he is (pointing)

Q And do you see Mr. Bryant in here?

A (The witness pointed with his hand)

Q All right - - about how big a porch is this there on the front of your house, Uncle Mose? How wide is it?

A It ought to be something like about nine feet.

Q You would say it is about nine feet wide, is that right?

A Yes, Sir.

Q And does that porch run the full length of your house?

A That's right.

Q That is, it runs the length of those two front rooms, is that right?

A That's right.

Q And I believe you have already testified that it is a screened-in porch, is that right?

A That's right.

Q Now tell the jury, Uncle Moses when you opened the door and looked out at that time, and you saw Mr. Bryant and Mr. Milam there, where were they standing?

MR. BRELAND: We object to that, Your Honor. He said that he didn't recognize them out there. He said he just saw the flashlight.

THE COURT: The objection will be sustained. The witness stated that he didn't recognize Mr. Bryant at that time.

Q When did you see those two men that night?

A That was about two o'clock in the morning.

Q But did you see them before you opened the door or after?

A It was after I opened the door.

Q And where were they standing?

A Mr. Milam was standing there at the door, and there was

one man standing at the screen door, and Mr. Bryant was standing kind of out away from the door.

MR. BRELAND: We object to that, if the Court please. He said that he didn't recognize him.

THE COURT: I believe the witness has stated that he did not see Mr. Bryant, that he didn't see him out there that night because it was dark.

THE WITNESS: I saw him but I couldn't see his face.

THE COURT: The objection will be sustained. He has stated that he didn't recognize Mr. Bryant.

MR. BRELAND: And we would like to ask the jury to disregard that statement.

THE COURT: You gentlemen of the jury will disregard the statement made by the witness about Mr. Bryant at this time.

Q When this man first called out to you that night, Uncle Mose, did he tell you who it was?

A Yes, Sir.

Q And who did he tell you it was?

A He said he was Mr. Bryant.

Q And do you see the man here in this courtroom now who was standing on your porch that night that said he was Mr. Bryant?

A Yes, Sir.

MR. BRELAND: We object to that, Your Honor. He said that he didn't recognize him.

THE COURT: The objection at this time will be sustained unless the witness can say that he was able to identify him and recognized him that night.

Q Now, Uncle Mose, what did you say J. W. Milam had in his hand that night when you saw him there on your porch?

A He had a pistol in his right hand.

Q And what else did he have?

A And he had a flashlight in his left hand.

Q And what did he say to you?

A Well, he asked me if I had two boys there from Chicago?

Q And what did you say?

A I said, "Yes, Sir."

Q And will you tell the jury who those boys were?

A Wheeler Parker, my grandson, and Emmett Till.

Q How long had they been visiting in your home with you?

A They was there a week that same day.

Q No, Uncle Mose, after you told Mr. Milam that you did have two boys there from Chicago, and that they were there in your house, what did he say and do then?

A Then Mr. Milam said, "I want that boy that done the talking down at Money."

Q And what did he do?

A Well, we went right over to the east room, the front room there, and I called, and he wasn't in there.

Q When you say "We", who do you mean by that? Who was there then?

A Mr. Milam and Mr. Bryant.

MR. BRELAND: We object to that, Your Honor. And we ask that his statement be excluded.

Q At any time after you first saw the man with Mr. Milam that you first could not recognize, did you later on recognize him in or about your house as being a man that you knew? Did you ever recognize him that night?

A That is the first time I remember seeing him.

Q Where was the first time you remember seeing him?

A In my house.

Q The first time you ever saw him was in your house?

A That's right.

Q And who was that man?

A Mr. Milam.

Q And who else did you see in your house?

A Mr. Bryant.

MR. BRELAND: Now just a moment, please - - -

THE COURT: Let Mr. Chatham ask a further question about that, if you will, please.

Q Did you at any time that night recognize Mr. Bryant as one of the men in your house?

A Yes, Sir.

MR. BRELAND: We object to that, Your Honor. That is just a repetition of the question.

THE COURT: The objection will be overruled there. I believe he stated he didn't recognize him at first. Now let's find out if he ever did recognize anyone there that he could identify as Mr. Bryant.

Q Uncle Mose, do you see any man in this courtroom now who was with Mr. Milam that night at your house?

A Yes, Sir.

MR. BRELAND: We object to that, if the court please. That is purely a leading question, and having the party here present at this time and sitting in the courtroom, that would not be a proper identification anyway. And his statement to begin with, he said that he never recognized him.

THE COURT: I believe he said he didn't recognize him at the door. The objection will be overruled at this time.

Q And will you point that man out, Uncle Mose?

A Yes, Sir.

Q Well, point him out for the benefit of the jury.

A Yes, Sir.

Q And who was that man?

A It was Mr. Bryant, he told me he was.

Q Now, after Mr. Milam and Mr. Bryant got in your house that night, tell the jury what you did.

A Well, we went to this first room, we went to the first bed there, and Emmett Till wasn't in there. And so I walked out the door into the side room there. Of course, there wasn't anyone sleeping in the first room. And then I passed another door, and in this second room there, we found him and Simon in bed.

Q Now, what, if anything, was said by Mr. Milam or Mr. Bryant to Emmett Till?

A Well, before we entered into the room, Mr. Milam said, "If this is not the right boy, then we are going to bring him back. If it is not the right boy, we are going to bring him back and put him in the bed."

Q Did you ask them what they wanted with the boy?

A No, Sir, I sure didn't.

Q And what did they do then?

A Then we come on to where this boy was in the room there, and he was there in the bed, and they told him to get up.

Q Who did?

A Mr. Milan said for him to get up.

Q And what did he have in his hand then?

A He had the pistol and the flashlight.

Q And what did Emmett Till do?

A He got up and dressed. He sat on the side of the bed and dressed.

Q And what happened after that, Uncle Mose?

A Well, when he got up, and they started out, then he asked me if I know anybody there and I told him, "No, Sir. I don't know you."

And then he said to me, "How old are you?" And then I said, "Sixty four." And then he said, "Well, if you know any of us here tonight, then you will never live to get to be Sixty five."

Q And was that in the room where Emmett was in bed?

A That's right.

Q And then did they leave out of your house with Emmett Till?

A That's right.

Q Did they go out the same way they came in? When they left your house, did you go back to the door the same way you came in?

A No, Sir. We went through some room there, you know, the door was open, and we went through this other bedroom there. That is where we went through on the way back.

Q Was that the room where you and your wife sleep?

A Yes, Sir.

Q And when you went through that room, did either Mr. Bryant or Mr. Milam have anything to say to your wife?

A Yes, Sir, they did.

Q And what did they say?

A Well, she had gotten up out of bed, and then he said to her, "You get back in that bed, and I mean, I want to hear the springs."

Q He said that he wanted to hear the springs?

A That's right.

Q And what did she do then?

A Well, she got back in bed.

Q And did Mr. Milam still have the pistol in his hand then?

A He kept it in his hand all the time.

Q Before you got out of the house, Uncle Mose, or before Mr. Milam or Mr. Bryant got out of the house with Emmett Till, I want you to tell the jury if either you or your wife tried to induce them not to carry the boy out.

A Yes, Sir.

Q What did you or your wife say to them?

A MR. CARLTON: We object to that, Your Honor. That would be hearsay testimony.

THE COURT: If anything was said it would have been in the presence of the defendants. The objection is overruled.

Q Go ahead, Uncle Mose, and tell us what was said.

A Well, my wife, she said that we will pay you whatever you want to charge if you will just release him. She said that we would pay them for whatever he might have done if they would just let him go.

Q And what did they say?

A They didn't say a word.

Q And did they remain there after that?

A Well, just for a few minutes, and then they walked .out

Q Where did they go?

A They entered a car and drove off towards Money.

Q And what did you do, Uncle Mose? Did you go to the front door when they went out of the house?

MR. BRELAND: We object to that. That is a leading question.

THE COURT: I want to ask all counsel to please refrain from leading questions so far as possible.

MR. CHATHAM: I am sure that rule will work both ways, Your Honor.

THE COURT: That applies to all counsel.

Q Uncle Mose, after Mr. Milam and Mr. Bryant left out of your house that night with Emmett Till, what did you do?

A Well, I came out towards the screen door, and I

stood there on the porch.

Q Is that the screen door on the porch which you described at the beginning of your testimony?

A That's right.

Q And from that point, could you see out near the road in front of your house?

A I couldn't see very clear because there wasn't no light.

Q What, if anything, did you see out there when Mr. Milam and Mr. Bryant took Emmett Till out in front of your house?

A I saw a car moving off towards Money.

Q And which way was that car parked?

A It was parked towards Money.

Q Before Mr. Milan and Mr. Bryant got to the car with Emmett Till, did you hear them make any statement or ask anybody out there any question in that car?

A I sure did.

Q Will you tell the jury what that was?

A They asked if this was the boy, and someone said, "Yes."

Q Was that a man's voice or a lady's voice you heard?

A It seemed like it was a lighter voice than a man's.

Q Did you say it seemed like a louder voice?

A Lighter.

Q And what did they do with Emmett Till after they received that response from the person who was in the car?

MR. BRELAND: If he knows, Your Honor.

THE WITNESS: Then they drove off towards Money.

Q Do you know what kind of an automobile it was?

A No, Sir. They didn't turn on no lights. I just heard it and I kind of saw it there in the dark. It was kind of dark, you know, and there was no lights on it.

Q The lights weren't burning on the car?

A No, Sir.

Q Did you watch the car as it drove off towards Money?

A Well, I stood on the porch there for maybe twenty minutes or more.

Q As far as you know, did they ever turn on any lights on the car?

A I never did see it.

Q Where is the next house situated and what is the closest house from your place in going towards Money?

A I reckon it is about two hundred yards from there.

Q Mr. Frederick lives up that way, is that right?

A That's right.

Q And the closest house from you is about two hundred yards going towards Money?

A Yes, Sir.

Q And what about any house in the other direction?

A I guess about half the distance.

Q In other words, there is no other house close by you, is that right?

A That's right.

Q Now, Uncle Mose, have you since that night ever seen Emmett Till alive?

A No, Sir.

Q Did Mr. Bryant or Mr. Milam ever bring him back to your house that night?

A No, Sir, they haven't.

Q Or have they ever brought him back?

A No, Sir.

Q Now tell the Court and Jury when was the next time after they took Emmett Till away from your house that you saw him or his body.

A I saw him when he was taken out of the river. He was in a boat then. I don't know just which day it was.

Q Was that on the Wednesday following the Saturday night that they took him away from your house?

A That's right.

Q And when you saw Emmett Till there, was he living or dead?

A He was dead.

Q Where was Emmett's body there at the point in the river where you went when you first saw him after that?

A They had him in a boat. He was in a boat there.

Q And who was there handling the boat, if you remember?

A They already had him out. There wasn't anyone handling it when I got there. It was already on shore.

Q It was already on the shore when you got there?

A That's right.

Q And who went with you over there, Uncle Mose?

A It was the Deputy Sheriff, I think. I don't know the names. There was two of them.

MR. BRELAND: We object to his stating what he doesn't know.

MR. CHATHAM: The old man is endeavoring to tell the truth. Do you object to that?

THE COURT: Counsel will please direct all remarks to the Court. These side remarks to each other are not necessary.

Q Then you don't know the Sheriff of this County?

A I just know him since I have been here is all.

Q Well, was Mr. Strider there?

A He sure was.

Q Do you know Mr. Garland Melton, one-of his deputies?

A I sure know him, too.

Q Was he there?

A Yes, Sir.

Q And was there a lot of more white people there?

A Yes, Sir.

Q And were there two or three young boys there?

A Yes, Sir.

Q Who came and notified you to come up there, that there might have been some person there for you to see?

A It was the Deputy Sheriff from Greenwood. I don't know his name.

Q You don't know whether it would have been Mr. John Ed Cothran or not?

A Well, I know Mr. Smith, the Sheriff. It wasn't Mr. Smith.

Q Who did you carry with you when you went up there? did any members of your family go up there with you?

A No, Sir.

Q When you got there, was the body of Emmett Till laying on the bank?

A It was in a boat.

Q I want you to tell the jury whether or not you could tell whose body it was?

A Yes, Sir.

Q And who was it?

A Emmett Till.

Q During the time you were there where you first saw the body, did you notice whether or not the undertaker or any Deputy Sheriff took a ring off of Emmett's finger?

A Yes, Sir.

Q And was that ring taken off his finger in your presence?

A That's right.

Q What did you do after that, uncle Mose, with reference to the body?

A What is that?

Q What did you do after that with reference to Emmett's body? What did you do with his body?

A Well, we taken it back. The undertaker man took it back to Greenwood.

Q And what undertaker man was that, Uncle Mose?

A Mr. Miller.

Q Is that Chester Miller?

A Yes, Sir.

Q And he is the undertaker man over at Greenwood?

A That's right.

Q And he is the man who took the body from the point on the river where you first saw it there?

A That's right.

Q And where was it that you next saw Emmett's body after Chester Miller took it away from the river?

A After he took it away from the river, I didn't see it any more.

Q Did you supervise the arrangements for the burial of Emmett's body?

A That's right.

Q And where did you have it sent?

A At Money. Where I live, we have a church and graveyard there.

Q And did they bury the body there?

A They sure didn't.

Q What did they do with the body?

A They carried it back to Greenwood.

MR. BRELAND: We object, Your Honor. He has already said that he didn't see it any more.

THE COURT: The witness can only state what he knows, Mr. Chatham.

Q Did you give any instructions to the Sheriff, or to the undertaker man, or to anybody as to where the body should be sent for burial?

A That's right.

Q And where was that?

A At Money.

Q But you say they didn't bury the body at Money?

A They sure didn't.

Q Well, did you give anyone instructions as to where the body was to be sent for burial?

A Yes, Sir. I called the boy's Grandmother in Chicago, and she told me - - -

MR. BRELAND: We object to that, Your Honor.

THE COURT: The witness cannot repeat any conversation that was not made in the presence of the defendants.

Q After you had this conversation, what instructions did you give as to where the body was to be sent for burial?

A I said not to carry it to Greenwood and bury the body there, and I made other arrangements.

Q Did you give the undertaker man there at Greenwood any instructions as to where he was to send the body?

A MR. BRELAND: We object, Your Honor. He said that he didn't see the undertaker.

THE COURT: I don't think he testified as to that. I think he said that he had not seen the body after it had been taken away.

MR. BRELAND: Well, find out if he saw the undertaker.

MR. CHATHAM: Mr. Breland, we will conduct this examination, if you don't mind.

THE COURT: You gentlemen will have to direct your remarks to me.

Q Uncle Mose, what I am trying to get at is this: Where does Emmett's Mother live?

A In Chicago.

Q Now will you tell the jury whether or not, whether you gave any instructions to anyone to send the body up to Chicago?

MR. BRELAND: We object to that. We object to the leading form of the question.

THE COURT: Will you rephrase your question. Mr. Chat-ham?

Q After the body had been brought to Money, where did you tell the undertaker to send the body from Money?

MR. BRELAND: We object to that, Your Honor. He hasn't said he told him anything about that.

THE COURT: If he told him, he can testify to that.

Q Did you tell the undertaker where to send the body?

A I didn't.

Q Now, Uncle Mose, getting back to the point where you saw Emmett's body there on the river, what river was that?

A Tallahatchie.

Q Will you give the jury some idea as to about where on Tallahatchie River the body was when you saw it that Wednesday morning?

A It was in a boat and the boat was out of the water.

Q And was it between some towns? What communities or towns was it between or near?

A It was between Philipp and Tippo.

Q And you stated you were present there when Miller took the ring off of Emmett's finger?

A I was looking right at him, that's right.

Q And what did Miller do with that ring?

A He put it on the seat there when he taken it off.

Q Do you mean the seat in the funeral coach?

A That's right.

Q Was that ring ever given to you?

A That's right. I asked for it.

Q When did you ask for it?

A Shortly after they got the body in the coach.

Q And did he give it to you?

A That's right.

Q Now I hand you a ring, Uncle Mose, and I ask you to tell the Court and Jury if that is the ring that Chester Miller took off of Emmett's finger and gave to you that morning?

A Yes, Sir, it is.

Q How long did you keep the ring after that?

A Until we got home.

Q And then what did you do with it?

A I gave it to the Sheriff.

Q Sheriff who?

A To the Deputy. I don't know his name.

Q Was that a Deputy in this County?

A LeFlore County.

Q And until today that is the last time you saw this ring, is that right?

A That's right.

Q And you say you gave it to the Deputy in LeFlore County?

A That's right.

MR. CHATHAM. TAKE THE WITNESS.

CROSS EXAMINATION

BY MR. CARLTON:

Q Mose, I believe you testified on direct examination that Emmett was sleeping in the east room right behind your bedroom, is that correct?

A That's right.

Q And also that he was in the bed with your son, Simon?

A That's right.

Q Who was next to the wall in that bed?

A Simon.

Q And how close was the side of the bed where Emmett was to the doorway into your room?

A The head of the bed was jammed up against the wall and the door was right there.

Q And who else was asleep in that room?

A Robert and Maurice.

Q I believe on direct examination, he testified there was nobody in there but Simon and Emmett.

A Well, that is the way it was. They was in there with Emmett.

Q Do you mean you are changing your story now from what you said awhile ago?

A I didn't say it.

Q You didn't say that those were the only two in that room?

A They was the only two in the bed, and I didn't say in the room

Q Well, who else was in the room?

A Robert and Maurice. They was both in the bed.

Q Those are both your boys?

A That's right.

Q How old are they?

A Robert is fourteen and Maurice is sixteen.

Q When they came to your house that night, as you say, and called out, "Preacher - - Preacher", where was Mr. Milam?

A He was standing right at the door.

Q And as soon as you opened the door, you saw him?

A That's right.

Q Now, will you get up and show the jury just how he had the pistol and the flashlight in his hands, as you say?

A He had the pistol right in this hand (indicating).

Q He had the pistol in his right hand?

A Yes, Sir.

Q And how did he have the flashlight?

A In this hand (indicating).

Q And he had the flashlight in his left hand, is that right?

A Yes, Sir.

Q And where was the flashlight pointed?

A It was out like this (indicating with his hand).

Q Do you mean it was out in front of his body, in front of the other hand in which you say he had the pistol?

A That's right.

Q Was there any light in your house that night?

A No light.

Q Did anybody ask you to turn on a light?

A No, Sir - - Well, they asked me to.

Q Did anybody ask you to turn on the lights?

A Yes, Sir.

Q But you didn't turn on the lights?

A No, Sir.

Q Were there ever any lights turned on in your house while those men were in there?

A No, Sir.

Q How many flashlights were in there, in your house that night?

A I didn't see but one.

Q And where did he keep that flashlight while he was in your house?

A It was right in his hand.

Q He held it right in front of him all the time?

A That's right.

Q Did he ever turn it up and shine it in his face?

MR. CHATHAM: In whose face?

Q Did he ever turn it in his own face?

A Well, he had it something like that when we was going through the house (indicating with his hand).

Q Who was in front of you as you were going through the house?

A Well, me and Mr. Milam was side by side.

Q And this other man was behind you, is that right?

A He was behind.

Q And did he always keep the flashlight out in front of him?

A That's right.

Q Did he ever shine it in his face?

A Well, I could see from the light, you know, how it will shine out from the side like that.

Q But did he shine it in Emmett's face?

A Yes, Sir, he did.

Q Did he ever shine it in Simon's face?

A I don't know about that. He was on the back there.

Q When you went in the room where Emmett was, was Emmett asleep?

A That's right.

Q Who wakened him up?

A He told him to get up and put his clothes on.

Q Did he have anything on at the time when he was in bed? Was he sleeping with clothes on?

A I think he had on his shorts and maybe a shirt. I don't think he had pajamas.

Q And when he told him to get up and put his clothes on, what did he put on then?

A He put on a shirt and trousers.

Q Did he put on any shoes?

A Yes, Sir.

Q And he got dressed, did he?

A That's right.

Q What kind of clothes did he put on?

A I can't remember what kind.

Q Well, you stated that you were there looking at him, didn't you?

A That's right.

Q And you were standing right there, weren't you?

A That's right.

Q And there Mr. Milam was standing there in front of your door, when you opened your door that night, you saw him right there at that time, did you?

A That's right.

Q And where was this other man that you say was there who went through the house with you?

A He was standing back behind Mr. Milam.

Q Could you see him standing there then?

A No, Sir, I didn't see him right then.

Q Then how could you see him when you say that you saw him standing back there then?

A Well, he was on the porch.

Q But the light wasn't on, was it?

A That's right.

Q When you opened the door and saw Mr. Milam there and saw this other man standing behind him, could you see the car out there then?

A No, Sir, I didn't see the car.

Q Well, how could you see the man standing back there if you couldn't see the car?

A Well, like I said, he was up on the porch.

Q And you say the light wasn't on?

A That's right.

Q But it was so dark out there that you couldn't see the car?

A I couldn't see the car out in the road, no.

Q Was there anybody else there at that time?

A There was one man who stood there at the screen door.

Q How was he standing?

A Well, he was standing kind of with his head down like this here (demonstrating) peering. He was trying to hide, it looked like.

Q In other words, you think he was trying to hide to keep you from seeing him?

A That's right.

Q And I believe you told me before that you thought he was a colored man, isn't that right?

A He acted like a colored man.

Q Where was this second man when you walked into this other room, this other front room?

A Well, all three of them was almost together.

Q Who was in that other bedroom near the company room?

A There was Wheeler Parker, my grandson, and Curtis Jones.

Q And when you started through the house, you looked at them, did you?

A That's right.

Q Well, how did you know what boy they were looking for?

A I heard someone say that this boy had done something, or had done some talking down at Money. I think that was on Thursday or maybe Friday.

Q You already knew about it, did you?

A That's right.

Q Had you talked to Emmett about it?

A I sure did.

MR. SMITH: We object to that, if the Court please.

THE COURT: The objection is sustained.

Q Did you punish Emmett for that?

MR. SMITH: We object, Your Honor.

THE COURT: The objection is sustained.

Q When you went into the company room, you went into the second room on the east side, is that right?

A The South side.

Q And that would have been the side towards Money, is that right?

A Yes, Sir.

Q And there is a door going from the company room into that room, is that right?

A That's right.

Q And there is no door between your room and the company room?

A That's right.

Q There is a chimney there, isn't that right?

A That's right.

Q And there are some pictures there on the mantel, is that right?

A That's right.

Q Whose pictures are on the mantel there?

MR. SMTIH: We object to that, Your Honor. That has nothing to do with this case at all. It has no bearing on this matter whatsoever.

THE COURT: Unless it is shown to be pertinent to this trial, the objection is sustained.

Q Was there anybody sleeping in the second room there at all?

A There sure wasn't.

Q That is a bedroom there too, isn't it?

A That's right.

Q And then you go from that room into the room where Emmett was sleeping?

A That's right.

Q And back of that room in your house, back from where Emmett was, you go into a place which is something like a hallway, between there and the dining room, isn't that right?

A That's right.

Q And there is a little place in there on the east side between the dining room and the kitchen, isn't that right?

A That's right.

Q And the kitchen is over on the left side as you are going through there?

A Yes, Sir.

Q By the way, do you have electricity there?

A Yes, Sir.

Q And you have an electric refrigerator, do you?

A Yes, Sir.

Q And you also have electric lights, do you?

A Yes, Sir.

Q And you say that one of the men asked you to turn the lights on that night?

A Yes, Sir.

Q But you still didn't turn the lights on?

A I sure didn't.

Q Did you ever see this man that you pointed out as Mr. Bryant, did you ever see the light shining on his face that night?

A I did not.

Q Had you ever seen him before that night?

A Not to know him.

Q Had you ever been in his store?

A I never have.

Q And the first time you ever saw him was in the courtroom this week, wasn't it?

A The first time I saw his face, that's right.

Q Now, let's go back to Mr. Milam -- you testified that he was standing in the doorway of your house with a Pistol in his right hand and a flashlight out in front of him in his left hand, is that correct?

A That's right.

Q And the flashlight was sticking out in front about six or eight inches, about six or eight inches in front of the pistol, is that right?

A I don't know about that. I didn't measure it.

Q Had you ever seen Mr. Milam before that night?

A I never had.

Q Did you ever see the lights flashing on his face that night?

A Sure. He had it up to his face. That is the way I know him.

Q Mose, you talked to me over at this law office over here (pointing with his hand) last week, is that right?

A That's right.

Q And do you remember this gentleman here, Mr. Breland, being present at that time?

A Yes, Sir.

Q And do you remember Mr. Henderson being present there that day (indicating another gentleman)?

A That's right.

Q And this gentleman over there in the blue coat, Mr. Kellum, was he present that day also?

A That's right.

Q You remember him being there, do you?

A Yes, Sir.

Q And isn't it a fact, Mose, that you on that day told each one of those gentlemen and me that the, only reason you thought this was Mr. Milam in your house that night was due to the fact that he was a big man and had a bald head? Isn't that true?

A That's right.

Q And the first time that you ever saw him was in this courthouse later on when they came into the courtroom, isn't that right?

A I don't believe I understand.

Q The first time you ever saw him was in this courtroom, isn't that right?

A No Sir. I knowed him that night.

Q And the reason you say you know him is because the man had a bald head, isn't that right?

A Well, I noticed his face and his stature. And I knowed his face just like I see him there now.

Q Then you have changed your story from what you told us the other day, haven't you?

A They was at my house.

Q And the only thing you saw at your house, the only man you saw, was a bald headed man, is that right?

A That's right.

Q Mose, isn't it a fact that before you saw Mr. Milam up here, you saw Mr. Milam's picture in the newspapers, that is, before he came in here and you saw him up here? Isn't that true?

A I don't know whether I have or not. I can't remember.

Q Now isn't it a fact that you told me and these other

gentlemen here last week that you saw him in the newspaper before you saw him here in the courtroom?

A I don't remember saying that.

Q Do you deny that?

A I don't remember.

Q What were Emmett's initials, Mose?

A I don't know.

Q Are his initials "L.T."?

A That is his Daddy's name, Louis Till.

Q But are they Emmett's initials?

A That is Louis Till, his Father's initials.

Q But they are not Emmett's initials, is that right?

A That's right.

Q Now, you say you saw a car out there when you first came out on the porch, and you say you saw it first when they went out there with Emmett, is that right?

A I saw it when they went out there with the boy. I could see something black up on the road.

Q But you say you couldn't see a car out there on the road when you first opened the door?

A That's right.

Q But you could see a man standing out there?

A When I first came on the porch there, sure, I saw him.

Q Now, this car you say you saw out there afterwards,

was the car pulled up to your porch or was it out on the road?

A It was in the space between the road and my house.

Q It wasn't up in the gravel road, was it?

A No, Sir.

Q And it is just about fifty feet out to the gravel road, isn't that right?

A It is something like that.

Q And what kind of trees are in the yard there?

A Cedar trees and Persimmon trees.

Q And those trees are about thirty or forty feet from the road, isn't that right?

A No, Sir.

Q Then how far are they?

A I guess about maybe ten or twelve feet, something like that.

Q Is there plenty of room for a car to pull off there?

A There is plenty of room for a car. I park there.

Q And you saw the car parked there, did you?

A When it pulled off.

Q Then you didn't see a car before it pulled off?

A I didn't see it before he pulled off.

Q Then you didn't see Emmett get into the car, did you?

A I didn't see that.

MR. CHATHAM: If the Court please, I would like to ask Mr. Carlton to please give the Witness time to answer his questions.

THE COURT: The Witness will have plenty of opportunity to answer the questions. And I must ask Counsel to direct all remarks to the Court.

Q You didn't see Emmett get into the car, did you?

A I did not.

Q And you didn't see anybody put him in the car, did you?

A I did not.

Q And you did not see either one of these men who were at your house get into the car, did you?

A I did not.

Q And you didn't see anybody in that car when it drove off, did you?

A I did not.

Q Did you see any headlights on the car?

A There wasn't no lights on.

Q Did you see any tail light on the car?

A I did not.

Q When they opened the door to get in the car, did any lights turn on?

A I didn't see it.

Q How many folks were in that car?

A I don't know.

Q Was this voice you say you heard out there the voice of one of these three men you had already seen there?

A It was just a voice. They took him out there, and somebody said, "Is this him?" and then a voice said, "Yes." But it wasn't one of them.

Q And the only reason you thought Mr. Bryant was there that night was because somebody came up there and told you or said that he was Mr. Bryant, is that right?

A That's right.

Q How old is Emmett Till?

A Fourteen.

Q What grade was he in?

A The 9th.

Q And how did he walk? Did he walk natural?

A He walked right.

Q Did he walk good?

A That's right.

Q And how did he talk?

A Well, he had a stammering speech. Sometimes he couldn't get a word out.

Q Did you understand him all right?

A Yes, when he got it out.

Q And he could make you understand him, is that right?

A That's right.

Q And how tall was he?

A Well, it looked like Emmett was about five feet and three or four inches.

Q And how much did he weigh?

A One hundred and fifty.

Q Did he look like he was pretty well grown? Was he a pretty good sized man?

A He looked like a man.

Q When this car drove off from there that night, how many people were in there when it drove off?

A I don't know.

Q Well, you say you stood there and watched it drive off, is that right?

A Yes, Sir.

Q Was the moon shining?

A It was not.

Q There was no light there at all?

A No light.

Q And you didn't turn on the lights in your house?

A That's right.

Q And you say you stood there for about twenty minutes before you did anything?

A That's right.

Q Now, let's go up there to the morning on the river, Mose. When you went up there, how many folks were in the car that you went up there in?

A There was three.

Q Do you know who they were?

A I don't know their names. They said it was the Deputy Sheriff of Greenwood; Mr. Cothran, I think.

Q Did you stop anywhere on your way up there?

A We stopped at Philipp.

Q Why did you stop there?

A They stopped to inquire where the body was?

Q You stopped there at Philipp and then you went on up the road to where the body was?

A Yes, Sir.

Q And you went with them up there?

A I sure did.

Q When they parked the car there, what did you do?

A We all got out and walked down to the river.

Q You got out of the car and then walked down ways to go down to the river where the body was?

A Yes.

Q Could you see the body in the river?

A I couldn't see good. It was in the boat.

Q There wasn't any trees or anything like that from where the car was parked to where the body was, is that right?

A Yes, Sir.

Q And you could look to where the body was from where the car was parked?

A Yes, Sir.

Q And did you walk down to where the body was with Mr. Cothran?

A I sure did.

Q And did he ask you on the way down there if that looked like the boy's body?

A I can't remember now whether he did or not.

Q Then you were close to him, were you, when you first decided it was Emmett's body?

A I was standing right up over him.

Q And you didn't say anything to him when you were about fifteen or twenty yards back from the boat, you didn't say that it looked like him when you were that distance away?

A I don't remember.

Q You didn't tell Mr. Cothran that before you got down to the boat.

A I don't remember.

Q Do you mean to say that you did not tell him that it

looked like Emmett when you were some distance away before you reached the boat?

A I can't remember.

Q On the river down there, what was done with the boat?

A What was that?

Q Was the boat still in the water?

A It was out of the water.

Q It was out of the water just like it had been pulled out on the bank out of the water?

A It was just kind of pulled out, Yes, Sir.

Q And how was the body in the boat there?

A It was in the boat.

Q Well, was it laying face down or on its back?

A On its face.

Q And what part of his body was up towards you as you were coming up there to the boat?

A His head.

Q And all you could see lying there in the boat was just his head and back, is that right?

A They turned him over, and then I saw all of it.

Q Now wait just a minute, Mose - - when you first came up there, all you saw was just the head and back, is that right?

A That's right.

Q When you got down there, did you have any conversation with the officers there after that as to whether that was Emmett or not?

A I can't remember.

Q Who turned the body over?

A I can't remember that either. But someone turned it.

Q Someone turned the body over, is that right?

A That's right.

Q And then you looked at him, did you?

A That's right. That is when I began viewing him.

Q And you were sure that was Emmett Till?

A That's right.

Q When did you first see this ring?

A The same day that he was taken out there, I saw him on the boat there, and that is the first time I seen the ring.

Q As I understand, you brought him down from Chicago with you didn't you?

A Yes, Sir.

Q And you brought him down on the train with you, is that right?

A That's right.

Q And I believe, as I understand it, you left there on Saturday morning and arrived Saturday afternoon, is that

correct?

A That's right.

Q Then you saw him with that ring, didn't you?

A Well, he didn't wear it all the time. He didn't wear it every day. I think they had to put some tape around it, or something. It was too big.

Q Do you mean to say that he was there in your home all week and you didn't see that ring?

A I sure didn't.

Q Then you had never seen that ring before?

A No, Sir

Q Did it have tape on it then?

A It didn't then.

Q But you say it was too big?

A That's right.

Q Just how do you know that is was too big?

A Well, I know when they got it of his finger, well, it was all swollen, and it was slipping off then.

Q But you didn't really know it was too big, did you?

A It was too large.

Q But you had never seen it before, is that right?

A I never seen it.

Q And you don't know of your own knowledge that it was Emmett's ring, do you?

A Yes, Sir, I do.

Q Just how do you know that, Mose?

A Simon and Robert told me.

Q Somebody told you it was his ring, is that right?

A Simon and Robert told me.

MR. CARLTON: I would like to ask the Court to disregard that.

MR. BRELAND: If Your Honor please, we ask the Court to instruct the jury to disregard the statement that he knew it was Emmett's ring.

THE COURT: You gentlemen will disregard the statement that he made where he said that he knew it was Emmett's ring.

MR. SMITH: If the Court please, Mr. Carlton asked the witness the question, himself, and the witness was just replying to his question.

THE COURT: Will you ask the question over again, Mr. Carlton. I didn't get the response to that particular question.

MR. CARLTON: Inasmuch as the Court has told or instructed the jury to disregard his last statement, I will pursue another line of questioning.

Q Now, Mose, you say that the only reason you identified that man there that night as being Mr. Bryant is that he said he was Mr. Bryant, is that right?

A That's right.

Q And you also say that, the only reason you identified Mr. Milam as being there that night is the fact that he is a big man and bald headed, is that right?

A That's right.

Q Now, Mose, isn't it a fact that you told these same four gentlemen that I have pointed out previously - - those three gentlemen over there and myself - - that you told them that the only reason that you could identify that body in the boat as being Emmett Till was because he was smooth faced?

Isn't it a fact that you said because the body didn't have any whiskers and was smooth faced, and because Emmett was missing, then you identified that body there in the boat as being Emmett Till? Isn't that correct?

A I didn't mention no missing.

Q Mose, do you deny that you made this statement to Mr. Breland, Mr. Henderson, Mr. Kellum and me that the only reason you could identify that body in the boat as being Emmett Till was because he was clean faced or smooth faced, and because Emmett Till was missing.

A I did not say it.

Q You did not make that statement?

A No, Sir, I did not make it.

Q Mose, when you were talking to those four defense lawyers over there in Mr. Breland's office, did we treat you nice?

A I think so.

MR. CHATHAM: We object to that, Your Honor. He is leading the witness and telling him what to say.

THE COURT: The objection will be sustained. I will let you ask him how he was treated, but let him state it, himself.

Q Well, how were you treated over there, Mose?

A I was treated all right.

Q Were you treated just about like the State's attorney treated you when he talked to you?

A That's right.

Q Did anybody threaten you over there?

A They did not.

Q And were you told there in that office that all we wanted to know there was just what you knew about it?

A That's right.

MR. SMITH: If the Court please, we will admit - - we know these five gentlemen here, and we will admit of our knowledge that Mose was not mistreated and that he wasn't brow-beaten, and we will admit that all that is true. We admit that. We know they wouldn't do a thing like that.

THE COURT: All right, I think that is enough.

Q Mose, on this Wednesday night that the incident happened in Money, where were you?

A At church.

MR. SMITH: We object to anything that happened on Wednesday night, if the Court please. That has nothing to do with whatever is involved in this lawsuit.

THE COURT: I think it calls for a conclusion and would be hearsay evidence. And I think it is objectionable there unless it is further qualified.

Q Now, on the Wednesday night before this incident, on the Wednesday night down there at Money - - -

MR. SMITH: If the Court please, we object to anything that happened on Wednesday night.

THE COURT: I will let Mr. Carlton ask the question before I rule on any question or on any objection to a question.

Q On the Wednesday night preceding the night that Emmett Till disappeared from your home, where were you?

MR. SMITH: We object to that, Your Honor.

THE COURT: The objection is overruled.

Q Where were you, Mose, on the Wednesday night before Emmett Till disappeared from your home?

A At the church.

Q And who was at church with you?

A Oh, there was a good many people there. I can't recall.

Q I mean, who was with you from your family group in your house?

A My wife.

Q Were the boys with you?

A No, Sir.

MR. SMITH: It the Court please, we object to all questions that have to do with anything that happened prior to the night that Emmett Till disappeared. That has nothing to do with the case at all.

THE COURT: The objection will be overruled. He can state that. But the witness is not going to be permitted to state something that he doesn't know of his own knowledge.

Q Were your boys at church with you that night?

A They was not.

Q Was Emmett Till at church with you that night?

A No, Sir.

Q Do you know where they were?

THE COURT: Just of his own knowledge now, not by hearsay.

THE WITNESS: I sure don't.

Q Did they have your car that night?

A That's right.

Q Now, Mose, when they came to your door that night - these four men - did you know what boy they wanted to see?

A That's right.

Q Then I take it you know who they wanted?

A They told me who they wanted.

Q What did they tell you?

A They said they wanted the boy that done the talking at Money.

Q And you knew who that boy was, did you?

A That's right.

Q After the men who had come in your home that night, after they left and after Emmett went out the door, what did you do?

A I stood on the porch, I think, for about twenty minutes after they left.

Q And what did you do after that? What did you do after you left your porch? Where did you go?

A I went to the store and got some gasoline.

Q Did you go in your car?

A That's right.

Q And who was with you when you went after the gasoline?

A My wife.

Q Where were the boys? Where were your boys?

A They stayed at home.

Q The five of them stayed there at home? That is, your three boys and Wheeler Parker and Curtis Jones?

A That's right.

Q Did you go back to your house that night after you bought the gasoline?

A I don't think so.

Q When did you next come back to your house after you left there that night to get some gasoline?

A I reckon it was about eight o'clock Sunday, something like that.

Q Did you leave any adult, any grown person, there with your boys during that time you were gone?

A I sure didn't.

Q About what time did you leave to go to the store after the gasoline?

A I reckon it was about forty minutes after it happened, I guess, as near as I can remember.

Q And you say it happened about two o'clock, is that right?

A Something like that.

Q Then that would make it about a quarter to three

when you left your home to get some gasoline?

A Maybe something like that.

Q And you say you left there at that time and didn't come back there to your house until about eight o'clock Sunday morning?

A I guess it was about that.

Q And you left the boys there - - you left them there for about five hours by themselves, is that right?

A I guess something like that. I don't know exactly. I didn't keep time.

Q Tell me, Mose, if Emmett Till had not disappeared, would you have identified the body in the boat as Emmett Till?

A What do you mean? Do you mean the same identification I had before?

Q If Emmett Till had not been missing, would you have thought that was Emmett Till's body in that boat?

A With the evidence I had on him?

Q Yes.

A Yes, Sir.

Q And because he had this ring on his finger, I take it, and because your boys told you that was Emmett's ring, is that right?

A That's right.

Q But you had never seen the ring before?

A That's right.

Q And all you know about the ring is what your boys told you, is that right?

A That's right.

Q Was this a dark night. Mose, that these men came to your house?

A That's right.

Q And there was never any light in that house that night except from just one flashlight, is that right?

A That's right.

Q And it was so dark that you couldn't even see the car out in your front yard, is that right?

MR. CHATHAM: Your Honor, I think that is about the third time he has gone over that. We will be here all week if he keeps up that type of questioning.

THE COURT: I will ask you to please limit your questioning and not repeat questions, if possible to do so. But we will let him ask that question.

Q My question was, Mose, - - it was so dark that night that you couldn't even see a car in your front yard, is that right?

A I couldn't make out what it was, what kind of a car it was.

Q And you don't know whether it was a Ford or a Chevrolet, is that right?

A That's right.

Q And you don't know whether it was a truck or whether it was just a car, is that right?

A That's right.

Q All you know is that some vehicle was out in front of your house and that it drove off towards Money after these men went out of your house, is that right?

A I saw something dark out there, but I couldn't make out what it was.

Q And you don't know whether it was a car or a truck, do you?

A Well, when it passed the trees, I saw something dark. But I couldn't make out just what it was, what kind it was.

Q Was there more than one car there?

A I don't know if there was more than one. I just seen one car.

Q Which way was the car facing?

A Towards Money.

Q Could you see that it was facing towards Money?

A Yes, Sir. They didn't ever have to turn around at all. They just drove right off with it.

Q Could you see that it was facing towards Money?

A That's right.

Q Do you mean to say that you could see it was facing towards Money, but you couldn't tell whether it was a car or a truck out there?

A That's right. I saw it when it passed the trees, when it was going towards Money. I could see it then easy.

Q Then what kind of a car was it if you could see it so easy?

MR. SMITH: If the Court please, he has already testified to that.

THE COURT: I think that question has been covered.

MR. CARLTON: That is all.

MR. CHATHAM: I think that be all we have with this witness.

(WITNESS EXCUSED.)

(At the request of the Prosecution, the Court took a recess from 10:25 A.M. until 10:50 A.M., this date, at which time the proceedings were resumed.)

MR. BRELAND: If the Court please, the Clerk of this Court has just handed Defense Counsel a list of additional witnesses which the Clerk states he has subpoenaed both for the State and defense. We now move the Court that the defendants' counsel have the opportunity of examining these witnesses in the witness room before they are offered as witnesses by the State.

The names of these witnesses are as follows:
Amandy Bradley, Walter Billingsley, Ed Reed, Willie Reed, Frank Young and C. A. Strickland.

THE COURT: Have subpoenas been issued for them for the defendants?

MR. BRELAND: They have, Your Honor.

THE COURT: Then you will have an opportunity to examine them before they are put on the witness stand.

MR. SMITH: If they have been subpoenaed for the defense also, then we have no objection to them talking to the witnesses. But I will make this further statement, that none of these witnesses will be offered until after the noon recess, unless some change in our plans comes up which we

cannot foresee.

THE COURT: If they have been subpoenaed by the defense, then they will have an opportunity to talk to them before they are put on the stand.

CHESTER A. MILLER,

A witness introduced for and on behalf of the State, being first duly sworn, upon his oath testified as follows:

DIRECT EXAMINATION

BY MR. SMITH:

Q Your name is Chester A. Miller?

A Yes, Sir.

Q Where do you live, Chester?

A I live in Greenwood.

Q Greenwood, Mississippi?

A Yes, Sir.

Q What is your occupation?

A I am an undertaker.

Q How long have you been in the business of an undertaker?

A Sixteen years.

Q Do you own your own establishment or not?

A No, Sir.

Q You do not?

A No, Sir.

Q You just work there as an undertaker, is that it?

A I am there as Manager.

Q You are manager of it?

A Yes, Sir.

Q Chester, have you been continuously employed in that occupation for sixteen years, for the sixteen years that you have been there?

A Yes, Sir.

Q Now, on or about the 31st day of August, 1955, were you called upon to come to Tallahatchie County to pick up a body?

A Yes, Sir.

Q Who came with you on that occasion? Who came from your funeral home up here with you?

A One of my helpers.

Q One of your nephews?

A No - - one of my helpers.

Q Where did you go when you came up here?

A I went beyond Philipp, back in there on the river.

Q You went down to the river?

A Yes, Sir.

Q Who called you and requested you to come up there?

A Mr. Cothran.

Q Who is Mr. Cothran?

A He is a deputy sheriff of LeFlore County.

Q When you got up there, what did you do?

A When we got there, they ordered us to turn the body over.

Q Well, when you got there, did you see a body?

A Yes, Sir.

Q Was it living or dead?

A It was a dead body.

Q Where was it when you got there?

A It was lying in a boat.

Q And where was the boat relative to being up on the bank or in the stream?

A The boat was up on the bank.

Q Was the body laying face down or face up when you first got there?

A Face down.

Q Then what did you do relative to the body at that time, you and your helper?

A Well, we got ready to move the body.

Q How did you move it? What did you do?

A We just turned it over. We first turned it over.

Q Was that while it was still in the boat?

A Yes, Sir.

Q All right - - then what did you do? What did you do with the body then?

A Well, we - - someone - - some of the law officers asked us to go and move that ring off his hand. After we turned it over, then we discovered this ring on one of his fingers.

Q What kind of a ring was that?

A It was kind of silver. It was a big ring up in here (indicating with his hand), but it was kind of small underneath.

Q Would you recognize that ring if you saw it again?

A Yes, Sir.

Q I hand you here a ring that has marked on it, engraved on the front of it, "May 25, 1943," and with the Large initials, "L.T.". I will ask you if that is the ring you removed off the finger of that dead body?

A Yes, Sir.

Q You can positively identify that as the same ring?

A Yes, Sir.

Q Now then, Chester, who took the ring off?

A My helper, because he had the gloves on, and when we got the call, we rushed off and only had one pair of gloves with us. And when one of the law officers said, "Take the ring off that finger", well, he had the gloves on, and then

I said to him, "Take it off." And then he took it off and handed it to me.

Q Did you or did you not see the ring taken off of the finger of that hand?

A Yes, Sir.

Q And when the ring was taken off, what did you do with it?

A Well, he gave it to me. I was standing right there by his side when he took it off.

Q And what did you do with it?

A I laid it over on the floorboard of the ambulance, on the left-hand side there.

Q That was your ambulance that you took up there for the body?

A Yes, Sir.

Q And afterwards what did you do with the ring?

A Well, after we got the body turned over, then we decided to load it, and then he took the ring off, and I put it away there where I told you, on the floorboard of the ambulance.

And then we decided to get ready to load the body and move it away. And then we went and got the casket - - or rather it was kind of like a regular shipping case, you might call it. You see, the body was swollen so, and we

had this casket and box there, and we took the shipping case, which is really a metal article, you know. It was there on top of the regular casket case.

And then we taken it out and put it aside, and then we taken the lid off the casket box, the outer box, you know, and then we taken this casket, and we set it there by the side of the body.

And then I and my helper, we lifted the body and taken the body out and laid it there in the casket. And then we closed the casket as best we could, and then we put the casket in this outer box, and we took the box, the entire box, and we pushed it up in the ambulance.

Q Now, go back to the time the body was still in the boat - - was there any other thing in the boat there with the body?

A Yes, Sir.

Q What was it?

A Well, there was a big wheel there.

Q A big wheel?

A A wheel and a strand of barbed wire.

Q Was that barbed wire attached to the big wheel? Was it wrapped around it or attached to it in any way?

A I just don't remember whether it was attached to the wheel or not.

Q Was it attached to the body?

A Yes, Sir.

Q The barbed wire was?

A Yes, Sir.

Q And the barbed wire - - how was it attached to the body?

A It was right around the neck.

Q In what manner was it right around the neck? Was it wrapped around?

A Yes, Sir, it was wrapped around; well wrapped.

Q It was around the neck of the body?

A Around the neck, Yes, Sir.

Q Now then, you said you put the ring in the funeral coach, or the ambulance, this vehicle you took up there with you, then what happened to that ring after that?

A Well, we pretty much got everything taken care of, and then I went up there - - well, I went up to some colored men who was standing there, and I asked if this boy had any relatives that they knowed about, and then someone pointed to this old man standing there, and someone said, "This old man is his Uncle or some relation."

And then I went up and I asked him, "Will you identify the body as the boy who was taken from the house - - - "

MR. BRELAND: We object to that, Your Honor.

THE COURT: The objection will be sustained. You can't state anything that would be hearsay. And I will ask you, gentlemen on the jury to disregard that statement.

Q Did anyone present there at the scene identify the body as any particular person?

A Yes, Sir.

Q And who did they identify it as being?

THE COURT: That is, if you know.

MR. BRELAND: We object, Your Honor. That calls for a conclusion.

THE COURT: The objection is overruled.

Q Who did they identify that body as being, if you know?

A The body of Emmett Till.

MR. BRELAND: We object, Your Honor, because that was a statement made there.

THE COURT: The objection is overruled.

Q Did you later find out who the person was who identified the body that you testified to?

A Yes, Sir.

Q And who was that?

A Mose Wright.

Q Have you seen Uncle Mose since then?

A Yes, Sir, I have seen him since then.

Q And you know that was Mose Wright?

A Yes, Sir, I know him well.

Q Now then, I will ask you, in your business as an undertaker for sixteen years, have you seen a number of dead bodies in that time?

MR. BRELAND: I object to that leading form of the question.

THE COURT: Objection overruled.

Q Have you or not seen lots of dead bodies during the time you have been in your profession?

A Yes, Sir.

Q In your opinion, was the body that was there in the boat that you took out of the boat and put in your ambulance, was it possible for someone who had known the person well in their lifetime to have identified that body?

A Yes, Sir.

MR. BRELAND: I object to that, Your Honor. That definitely calls for a conclusion.

THE COURT: The objection is sustained. And the jury will disregard that answer.

Q Now, Chester, when you got the body up, you testified you got the body up and then put it in a casket, and put it in a box, and then you put it in your ambulance - - then what did you do with that body thereafter?

A I taken it to my place, to the funeral home.

Q And where was that?

A Greenwood.

Q What instructions were you given relative to what to do with the body? Now don't tell what anybody said, but just what instructions you may have received as to what to do with it after you got it.

A Well, we were instructed to unload it because there had to be some more investigation made of it.

Q Did anyone take any pictures of that body while it was down there?

A Yes, Sir.

Q And who tookthem?

A Mr. Strickland.

Q And who is Mr. Strickland?

A He is one of the police officers there in Greenwood.

Q and that was while the body was down there in your place?

A Yes, Sir.

Q What instructions were you later given as to what to do with the body?

A To take it to burial.

Q Where?

A We had planned to take it to Money.

Q Now, to go back, how long was it after the body was taken from the river that Mr. Strickland made those pictures. Chester?

A About two hours.

Q And I believe I understood the answer to your question was that you were instructed to prepare the body for burial at Money, Mississippi, is that right?

A Yes, Sir.

Q Did you carry out those instructions?

A Yes, Sir. I delivered the body to the cemetery at Money.

Q And when you got there with the body, what happened?

A When I got there, Mose wasn't there, but he left word - - -

MR. BRELAND: We object to what he was told or what word had been left, Your Honor.

THE COURT: Don't tell what you heard. Just state what you know.

THE WITNESS: Yes, Sir.

Q Did you bury the body there or not?

A No, Sir.

Q What did you do with it?

A I taken it back to my funeral home at Greenwood.

Q And who did you later deliver it to?

A To the undertaker there at Tutwiler.

MR. BRELAND: WE object to that, if Your Honor please, unless he did it himself.

Q What is the man's name at Tutwiler to whom the body was delivered?

A I don't remember.

Q Now then, Chester, I asked you about the ring awhile ago, and we got up to the place where you laid it in the ambulance, or the funeral coach - - what did you do with that ring thereafter?

A I gave it to Mose Wright.

Q You gave the ring to Mose Wright?

A Yes, Sir.

Q And you have never had that ring since?

A No Sir.

MR. SMITH: Take the witness.

CROSS EXAMINATION

BY MR. CARLTON:

Q Chester, this body that you had there, did you carry it to Tutwiler, yourself?

A No, Sir.

MR. BRELAND: Now, we move the Court to exclude the statement made by the witness that he took it to Tutwiler.

THE COURT: The witness says it was delivered to Tutwiler, and he is the manager of the funeral home. He should know where he sent the body.

MR. BRELAND: Well, he can still state just what he did.

MR. CHATHAM: One other question, Your Honor, if you will permit it, I think it might save some time.

THE COURT: All right, Sir, I will permit it.

REDIRECT EXAMINATION

BY MR. SMITH:

Q When that body was laying there in the boat at the time you got there, Chester, how was the body clothed, if it was clothed?

A It wasn't clothed.

Q Dit it have anything on it whatsoever except that piece of barbed wire?

A No, Sir.

Q I believe you stated that you are the manager of the funeral home down there, is that right?

A Yes, Sir.

Q Will you state whether or not the body was delivered to Tutwiler at your directions?

MR. BRELAND: If the Court please, we object unless he knows.

THE COURT: The objection will be overruled.

Q Was it delivered to Tutwiler at your directions?

A Yes, Sir.

MR. BRELAND: If the Court please, we move to exclude that witness' statement as being a mere conclusion on his part, as he did not go with the body to Tutwiler.

THE COURT: The objection is overrruled.

Q Did you direct anyone in your establishment there to deliver the body that you got out of the river to Tutwiler?

A No, Sir.

Q What?

A No, Sir.

Q Did you understand my question, Chester? I said, did you give directions from someone or to someone in your establishment to deliver the body which you found in the river, or which you got from the river, to Tutwiler?

MR. BRELAND: If the Court please, we object to that as being a leading question.

THE COURT: I think it would be better if the witness were to state the directions that were given, if any, and if so, what they were.

Q The body that was down there at your funeral home, what directions did you give and to whom did you give them to deliver the body to Tutwiler?

MR. BRELAND: We object, Your Honor. That is leading.

THE COURT: The objection is overruled. Let's proceed.

THE WITNESS: Well, I don't remember instructing anyone the way to go from Greenwood to Tutwiler.

Q Who did you instruct to take the body up there to Tutwiler?

MR. BRELAND: We object, Your Honor. That is still leading the witness.

THE COURT: The objection is overruled.

THE WITNESS: Crosby Smith.

Q Will you state whether or not the body which left your funeral home with Smith was the body that you took from the river down there?

A Will you say that again, please, Sir?

Q Will you state whether or not the body which Smith left there to take to Tutwiler was the same body that you picked up down there at the River?

A Yes, Sir.

MR. BRELAND: We object to that, Your Honor.

THE COURT: The objection is overruled.

MR. BRELAND: But he has not said that Smith left there with any body.

THE WITNESS: Well, I went to Tutwiler the next morning to see if the body was going to be shipped, and it had a bill

or a tag with the name "Emmett Till" on the casket. And I helped load it on the coach in the train.

MR. BRELAND. We object to that, if your Honor please. The witness was not asked about that at all.

THE COURT: The objection is sustained. You gentlemen will please disregard that statement made by the witness.

Q Will you describe the body generally that you picked up down there on the river out of the boat? Would you tell the court and jury generally just what kind of body it was?

A Yes, Sir.

MR. CARLTON: If the Court please, we object to this. This is not proper cross examination.

THE COURT: The objection is overruled. I believe they asked permission to ask additional questions.

MR. WHITTEN: But, if the Court please, it was just one question that they wanted to ask.

THE COURT: The objection is overruled.

Q Will you give the jury a description of that body as to size, age, weight and so forth?

A Well, it looked to be about five foot four or five inches in height; weight between one hundred and fifty or sixty pounds. And it looked to be that of a colored person.

Q Could you tell whether or not it was the body of a young person, or middle age or an old person?

A yes, Sir. Well, the flesh in the palm of the hand, well, it looked like it was the body of a young person. And from certain parts of the body - - well, in my experience in handling those kind of bodies, by certain parts of the body it looked like a youth more so than a grown person or an older person.

MR. SMITH: That is all.

MR. BRELAND: We will excuse the witness at this time, Your Honor.

(WITNESS EXCUSED)

C. A. STRICKLAND,

A witness introduced for and on behalf of the state, being first duly sworn, upon his oath testified as follows:

DIRECT EXAMINATION

By MR. SMITH:

Q Will you state your name, please, Sir?

A C. A. Strickland.

Q Where do you live, Mr. Strickland?

A Greenwood.

Q What is your occupation?

A Identification Officer for the Collision Department.

Q Of Greenwood?

A Yes, Sir.

Q How long have you been serving in that capacity?

A Most of twelve years.

Q Now, as an identification officer for the Police Department of Greenwood, did it fall within your province to take photographs and so forth?

A Yes.

Q On or about the 31st day of August, 1955, were you called upon to take photographs of a dead body and other articles there in Greenwood?

A Yes, Sir.

Q And where were they?

A The body was at the Century Burial Funeral Home there in Greenwood.

Q Is that the funeral home operated by Chester A. Miller?

A Yes, Sir.

Q And did you take photographs of a dead body there, and a fan or wheel, or something of that sort there?

A A fan was there at the same place where the body was. I taken both pictures but at different times. And I did photograph the body there.

Q And the body was there at the funeral home?

A Yes, Sir.

Q Did anybody point out to you the body that you were to take pictures of?

A Yes, Sir.

Q And who pointed it out?

A Deputy Sheriff Cothran.

Q And he is a deputy sheriff of LeFlore County, is that right?

A Yes, Sir.

Q I now hand you a photograph and ask you to identify that and tell the court and jury what that is.

A That is a picture of the body that I photographed on the 31st of August, at about three p.m. in the afternoon. It was on a table at the back of the Century Burial Funeral Home there in Greenwood.

Q Now I will ask you whether or not this photograph represents the true situation that was there when you photographed that body?

A It does.

Q And you took it with what kind of photographic equipment?

A I used a 4 by 5 Crown graphic camera.

Q And is that the kind of camera you use normally in your work?

A Yes, Sir. I take the pictures, and develop them

too. I took the pictures there, and I printed the film and developed it myself.

Q And that has been in your possession all the time, is that right?

A Yes, Sir.

Q Now I hand you another photograph and ask you to identify that, please.

A This is a photograph of the gin fan that I photographed on the 1st day of September in the LeFlore County Sheriff's office. It was in the office of the sheriff.

Q And who directed you to take this photograph?

A Sheriff Cothran - - I mean Deputy Sheriff Cothran. He was also with me when I made that picture.

Q And you were also the same person who printed and developed the film of that?

A Yes, Sir.

MR. SMITH: Your Honor, we would like to make these photographs exhibits to the testimony here.

MR. CARLTON: We object to the writing on the back of the photograph.

MR. SMITH: We admit that is not competent. We will obliterate it in some manner.

THE COURT: All right. But see that it is done before the exhibit is shown to the jury.

THE WITNESS: You see, I take that information for my own use so I can positively identify the pictures.

MR. BRELAND: If the Court please we are going to object to the picture of the gin fan at this time.

THE COURT: All right. The objection will be sustained as to the gin fan picture. The photograph of the body will be admitted providing what is written on the back of the photograph is marked out or obliterated so that it cannot be read or identified.

(A photograph is marked as Exhibit 1 to the testimony of C. A. Strickland by the reporter.

MR. BRELAND: As I understand it, Your Honor, the photograph of the gin fan is not admissable, is that correct?

THE COURT: I held that the photograph of the gin fan had not been properly identified.

MR. SMITH: Yes, Sir. That is not important anyway at this time. Take the witness.

MR. CARLTON: No questions.

(WITNESS EXCUSED)

GEORGE SMITH,

A witness introduced for and on behalf of the State, being first duly sworn, upon his oath testified as follows:

DIRECT EXAMINATION

BY DISTRICT ATTORNEY CHATHAM:

Q Is this Mr. George Smith?

A Yes, Sir.

MR. BRELAND: Just a preliminary question, if Your Honor please - - has this witness been in the courtroom during the trial of the cause?

THE WITNESS: No, Sir.

Q Mr. Smith, what official position do you now have in LeFlore County, Mississippi?

A Sheriff.

Q How long have you held that position?

A Well, it will be four years this January.

Q Were you sheriff of LeFlore County on August 31st, 1955?

A Yes, Sir.

Q I want you to tell the court and jury whether or not along about August 28th or August 31st, 1955, you had occasion to investigate the death of Emmett Till.

A Yes, Sir.

Q And in your investigations, please tell the jury

whether or not you had a conversation with Mr. Roy Bryant, one of the defendants in this case?

MR. BRELAND: If the Court please, if he is going to bring out any admission or any conversation had with the defendant, then we ask that it be properly qualified, that the testimony be properly qualified in the absence of the jury.

THE COURT: Is that what you are leading up to, Mr. Chatham?

MR. CHATHAM: We are leading up to a statement made to the witness.

THE COURT: Then the jury will be excused from the room at this time.

(The jury retired to the jury room, and the proceedings continued in the absence of the jury.)

Q Mr. Smith, where was Mr. Bryant when you had this conversation with him?

A In front of his store, sitting in my car, Sunday afternoon, August the 28th, at about two o'clock.

Q And where is that store located?

A In Money, Mississippi.

Q Did you offer Mr. Bryant any hope of reward or immunity if he made a statement to you concerning the death of Emmett Till?

A No, Sir.

Q Did you threaten him in any way in order to intimidate him to make a statement?

A No, Sir.

Q And was the statement that he made to you then and there voluntarily made?

A Yes, Sir.

MR. CHATHAM: We think that qualified the statement, Your Honor.

CROSS EXAMINATION

BY MR. BRELAND:

Q How long have you known Mr. Bryant, Mr. Smith?

A Mr. Breland, I guess he has been in that county for about two years.

Q And you have known him since that time?

A Yes, Sir - - not too well, but I know who Roy was.

Q Now, your deputy, Mr. Cothran, ran for Sheriff of LeFlore County in this past election, did he not?

A Yes, Sir.

Q And you supported him in that, did you not?

A No, Sir.

MR. CHATHAM: We object to that, if Your Honor please. That has no bearing on this whatsoever.

THE COURT: I will reserve my opinion on that.

Q Did you support your deputy for Sheriff down there in LeFlore County?

A Mr. Breland, I had two deputies running out of my office, and I prefer not to answer that question if I can.

Q And that is for personal reasons?

A Yes, Sir.

THE COURT: I don't see that this would have any bearing on the case unless it can be shown that such an inquiry is material.

Q Mr. Smith, you, yourself, did run for representative down there in your county this time, is that right?

A Yes, Sir.

Q And Mr. Bryant supported you in that race, did he not?

A I don't know, Sir. I didn't ask him to vote for me or anybody else.

Q But he told you that he supported you, isn't that true?

A I don't know.

Q Well, you considered him your friend and he considered you as his friend, isn't that true?

A Well, I have been friends with several of them in the family; yes, Sir.

Q And when you went there that day he was asleep in his bedroom, wasn't he?

A He was asleep, yes, Sir, as I understand.

Q And you asked him to come out away from his family, didn't you?

A Mr. Cothran did.

Q And that was so you could talk to him confidentially?

A Yes, Sir.

Q And you wanted him away from the members of his family?

A Yes, Sir.

Q And the impression was left by you and Mr. Cothran that you were going to talk confidentially with him at that time?

A Well, I don't know about the impression.

Q Well, that could have been the impression, could it not?

A It could have been.

Q And he trusted you, did he not, and also Mr. Cothran?

A I guess so.

Q And it was on that basis that he made any statement to you, was it not?

A Well, there was very little statement made, Mr. Breland.

Q I understand - - but what statement was made, that was true?

A Yes, Sir.

Q And you didn't tell him that you actually came up there for the purpose of arresting him or anything like that, did you?

A Well, I didn't right at that moment.

Q I mean before any statement was made to you?

A No, Sir.

Q In other words, when he was talking to you, he thought that he was talking to a confidential friend and in a confidential manner, didn't he?

A Well, I couldn't answer that question.

MR. BRELAND: We submit, Your Honor, that the witness should not be permitted to testify on the grounds that any statement made to the witness was made as a matter of confidence, and any statement that was made, whatever it was, would not be competent in this case.

And we object further, Your Honor, because the corpus delicti has not been established. There has been no testimony here that this body that was taken from the river was the body of Emmett Till. And any admission, if the corpus delicti has not been established, then such admission or admissions that might have been made, as far

as any admission of guilt is concerned, that is certainly not competent in this case.

THE COURT: Any conversation as to guilt or any admission of guilt in the crime of murder cannot be shown at this time because the corpus delicti has not been shown.

MR. BRELAND: And further, Your Honor, that cannot be considered as res gestae at this time, and therefore, such an admission is not competent.

THE COURT: Suppose we see what the witness is going to testify to before I rule on this.

MR. BRELAND: And we would like for that to be traced before the jury comes in and hears it.

THE COURT: Yes. The corpus delicti has not been proven as yet.

REDIRECT EXAMINATION

BY DISTRICT ATTORNEY CHATHAM:

Q Mr. Smith, on that particular day that you say you talked to Mr. Bryant, what statement did he make to you concerning the disappearance of Emmett Till?

A He said he went down there and went to his house and got him out and then brought him up to the store. And he said he wasn't the right one so then he turned him loose.

Q And to whose house did he say he went to get him?

A He said he went down to Mose Wright's.

Q Did he make any further statement to you as to where he went after he released Emmett Till?

A He said he went somewhere to play cards. I don't remember where just now.

Q Did he say how long he had been up that night?

A Well, he said he played cards the rest of the night, over at some of the family's house.

Q And who did he say went down to Mose's house with him?

A He didn't say.

Q And did you later have an opportunity to talk to Mr. Milam?

A I didn't, No, Sir.

THE COURT: Mr. Chatham, the court is of the opinion that before the witness can testify to these things, the corpus delicti should be proven. There has been no proof of any criminal agency shown here as far as a corpus delicti is concerned.

These gentlemen are charged with the crime of murder. And before this evidence can be received, I think a corpus delicti should be proven. But as yet, there has been no corpus delicti in this case.

MR. CHATHAM: Will the court permit me to continue along that line?

THE COURT: Yes, Sir; go right ahead.

Q Mr. Smith, did you have an opportunity to see the body that was taken from the Tallahatchie River on August 31st by Chester A. Miller at the point between Philipp and Masel anytime after it got into Miller's possession?

A I did not.

Q When did you see that body?

A I did not see the body.

Q You did not see the body?

A No, Sir.

MR. SMITH: In view of the Court's ruling, we will excuse Mr. Smith at the present time and call Chester Miller back.

(WITNESS EXCUSED)

(The jury returned to the courtroom, and the proceedings continued with the jury present.)

CHESTER A. MILLER

Recalled as a witness for and on behalf of the State, having been duly sworn, upon his oath testified as follows:

REDIRECT EXAMINATION

BY MR. SMITH:

Q Now you are Chester A. Miller, is that right?

A Yes, Sir.

Q And you are the same Chester A. Miller who testified here awhile ago?

A Yes, Sir.

Q And you are an undertaker at Greenwood?

A Yes, Sir.

Q Now, we asked you about the body of a person taken out of the Tallahatchie River on August 31st, 1955, and you testified to chat. Did you examine that body while it was in your possession or while you observed it?

A Yes, Sir.

Q Did you make a close or casual examination of it?

A I would say casual.

Q Did you notice anything unusual about the body relative to wounds or anything of that nature?

A Yes, Sir.

Q Where were those wounds?

A It seemed like a bullet wound - - -

MR. BRELAND: We object, Your Honor.

THE COURT: The objection is sustained.

Q Chester, just describe the situation. Describe what you saw.

A Well, the whole crown of his head, from here above (indicating with his hand) was just crushed in.

Q Where there any other wounds about the body?

A No, Sir.

Q Were there any other wounds on the head? Any other indications of a wound on the head?

A There was no other wound except it looked like a pistol wound - - -

MR. BRELAND: We object, Your Honor.

THE COURT: The objection is sustained. The witness should not state his own conclusion. Just state what you know.

Q Just describe what any wound about the head looked like. Was it a round hole, or a square hole or what?

MR. CARLTON: We object to counsel testifying, Your Honor.

THE COURT: The objection is overruled.

THE WITNESS: The crown of his head was just crushed out and in, you know, and a piece of his skull just fell out there in the boat, maybe three inches long or maybe two and a half inches wide, something like that.

Q Now don't tell what your conclusion is, but just state what the wound was there about his head.

A Well, that is about all the wound I know of.

Q I believe it was objected to your testifying about something over his ear. What did that look like?

A It looked like a bullet hole.

MR. BRELAND: We object, Your Honor.

THE COURT: The objection is sustained.

Q Chester, just describe it. Don't tell your conclusion as to what caused it. Just state what it looked like. What did you see there?

A I saw a hole in the skull.

Q And how big a hole was it?

A Oh, about - - - maybe half an inch square, something like that.

Q And where was that hole? Will you point on your head to where it was?

A It was somewhere around there, above the ear (indicating with his hand).

Q And that is about three-quarters of an inch above

your right ear, is that right?

A Yes, Sir.

Q Was there any hole or similar thing over on the other side of his head?

A Well, it was crushed on the other side. You couldn't tell too much it was crushed so. And it was all cut up and gashed across the top there.

Q Will you state whether or not the wounds which you have described here were sufficient to cause his death?

MR. BRELAND: We object to that, Your Honor. He is no expert to that. And the jury knows as much as he does about that. I think that is within the province of the jury.

THE COURT: I am going to let the witness answer the question.

Q Will you state whether or not the wounds which you have described here were sufficient to cause his death?

A Yes, Sir.

Q I believe I asked you this, but I am not sure. you testified that there was some barbed wire in the boat, but did I ask you whether or not the barbed wire was on the person or the deceased?

A Yes, Sir, you asked me.

Q Was it?

A Yes, Sir.

Q Where was it?

A Around the neck.

RE-CROSS EXAMINATION

BY MR. BRELAND:

Q Chester Miller?

A Yes, Sir.

Q What you saw about that body was a decomposed condition. You couldn't tell what caused that condition, could you?

A Well, Yes, Sir, It was blown from some kind of instrument.

Q It was caused from some outside agency? Would you say that? That is all, you can say, is it?

A What do you mean, by outside agency?

Q Well, you said a blow or something, isn't that right?

A It was a bruise caused by some instrument, I would say.

Q Then you would say that there was a bruise or something there?

A Well, some of the wounds I noticed were caused from some instrument of some kind and some I saw might be something like from a gun.

MR. BRELAND: The Court has already ruled on that, and we move that it be excluded.

THE COURT: The conclusion of the witness will be disregarded by the jury.

Q Now, what you saw about the condition of that man as to his head, you couldn't tell whether it was caused before or after his death, could you?

A No, Sir.

Q And you couldn't tell whether it was caused in a car accident or otherwise, could you? You couldn't tell that to be truthful about it, could you? You couldn't tell could you?

A No, Sir.

MR. BRELAND: That is all. Take the witness.

MR. SMITH: That is all.

(WITNESS EXCUSED.)

(At this point in the proceedings, 11:45 a.m., the Court took a recess until 2:45 p.m., this date, at which time the proceedings were resumed.)

ROBERT HODGES,

A witness introduced for an on behalf of the State,
being first duly sworn, upon his oath testified as follows:

DIRECT EXAMINATION

BY MR. SMITH:

Q What is your name, please?

A Robert Hodges.

Q Where do you live, Robert?

A Down in Philipp, Mississippi.

Q And what county is that you live in?

A Tallahatchie.

Q Now old are you, Robert?

A Seventeen.

Q Are you a fisherman?

A Yes, Sir.

Q And you live right out on the river, I believe.

A Yes, Sir.

Q Now, Robert, on the last day of August of this year,
of 1955, on the 31st day of August, did you go fishing that
morning?

A Yes, Sir.

Q And I believe you said that you had set out some
lines and went out to see them, is that right?

A Yes, Sir.

Q Robert, did anything unusual happen while you were

out there setting out the lines?

A Yes, Sir. I seen two knees and feet.

Q Just describe to the jury and court what you saw there.

A Well, I saw right along here, up and down, both of them (indicating with his hands).

Q And that would be from the top part of the legs and knees down, is that right?

A Yes, Sir.

Q And the front part of the feet, is that right?

A Yes, Sir.

Q Robert, where did you find that?

A Well, it was about one mile from my house.

Q Which side of the river was it on?

A On the left side going down the river.

Q Would that be in LeFlore County or Tallahatchie County? Was that on the LeFlore County side or Tallahatchie side?

A Tallahatchie.

Q What was the reason for it being there? Was it hung up or floating?

A Yes, it was hung up there on a snag in the bottom of the river.

Q When you saw those two feet and legs sticking up

there, what did you do then, Robert?

A Well, I had a few more set out down below there, and then I went on and run them, and then I came down and told my Father about it. And then my Father - - -

MR. SMITH: You can't tell what you told your Father.

THE COURT: Don't tell any conversation you might have had with anyone.

Q Then after you had run your lines, what did you do?

A I reported it to my Father.

Q Do you know of your own knowledge what he did about it?

A Well, he told the landlord that we live with, and then he reported it - - -

Q Who is your landlord?

A B. L. Mims.

Q And what time of the morning was that?

A It was between six thirty and seven o'clock.

Q In the morning?

A Yes, Sir.

Q Did anybody do anything about that body down there during the rest of the day?

A No, Sir, - - didn't nobody go down there.

Q Did somebody go down there later in the day?

A Three men was the only ones that went down there

and there was the Deputy Sheriff.

Q Did they go down there with Mr. Mims or by themselves or how?

A No, Sir; in B. L. Mims' boat.

Q Is that B. L. Mims?

A Yes, Sir.

Q Who were those men?

A Well, the Deputy Sheriff.

Q Mr. Melton?

A Yes, he was one of them; and there was Charlie Fred Mims and my Father.

Q Do you know whether that was in the Sumner Court District of Tallahatchie County?

A Yes, Sir, in the Sumner court District.

Q That is where the body was found?

A Yes, Sir.

Q Robert, when you all went back down there, I believe you took two boats, did you not?

A Yes, Sir.

Q When you got back down there, was the body there in the same place?

A Yes, Sir, in the same place. It hadn't been moved

Q And was it still in the same position?

A Yes.

Q When you got down there, tell the court and jury what you all did.

A Well, the first thing we done, one boy went down there - - - the first thing we done - - the first boy - - let me see now - - when the first boy went down - - Bo Mims and Mr. Melton, I think that was the deputy's name, and Fred Mims - - well, they came back to the house and got me and my Daddy, and we went down there at first.

Q And then what happened?

A Well, they brought the rope back there, and then me and this other boy was in a boat, and Mr. Melton was there, and they had the rope around the boy's legs and then they hung it on there, and they had it on this other boat, and then they carried it down the river and took it out on the other side there.

Q How did you hang it there?

A Well, they pulled up the river a little ways and got in unhung, so that they could move it, and then they got this rope around the legs, and then we carried it on up the river, and then we just come on across and pulled it over on the bank in the boat.

Q When you pulled it back up the river, did the body float?

A Yes, Sir, I think so.

Q When you pulled it out on the bank, what if anything, was attached to the body?

A An iron weight.

Q What?

A A weight.

Q What kind of a weight was it?

A A gin fan.

Q Robert, how was that weight or fan, as you say, attached to the body?

A With a piece of barbed wire.

Q How was the barbed wire attached to the body?

A It was wrapped around his neck, as best I can remember.

Q Would you remember that fan or weight if you saw it again?

A Yes, Sir, I believe I would,

Q Will you come around and take a look at this (indicating an object on the floor)?

A It looks like it.

Q Does that look like it?

A Yes, Sir.

Q And does that look like the barbed wire that was attached to it?

A Yes, Sir. It looks like it except the mud has been cleaned off it.

Q And you say when you pulled it out on the bank that the barbed wire was wrapped around the neck of this body and that it was attached to the fan, is that right?

A Yes, Sir.

Q And that was serving as a weight for the body, is that correct?

A Yes, Sir.

Q Did you have a chance to observe the body there relative to any blows or any wounds of any kind?

A It was beaten pretty bad in the back.

Q On the back?

A Yes, Sir, and hips.

Q What about the head?

A It was also gashed in on the side.

Q What was done with the body then after you drug it out on the bank with that weight?

A Well, this - - -

MR. BRELAND: Your Honor, we want to object to the statement of the witness that the body was beaten on the back.

THE COURT: You can tell what the condition of the body was, but not your conclusions as to what caused that.

You can state to the jury what the condition of that body was with reference to any marks, wounds, or anything else that you could actually see. But you can't draw your own conclusion as to what might have caused that.

THE WITNESS: No, Sir, I can't.

THE COURT: And you gentlemen (to the jury) will, of course, disregard that statement made by the witness.

Q What did the marks on his back look like?

A Well, it looked to me like it was blood-shot.

Q Robert, what was done with the body after you all pulled it out on the bank with that weight attached to it?

A Well, they unconnected the barbed wire from the weight. I believe that was the first thing. And then they put the body in the boat, and they got the weight and set it in the back end of the boat.

Q And where was the boat taken, if anywhere?

A We carried it up to the landing there.

Q Is that the landing you normally used there?

A Yes, Sir.

Q And when you got back up there, what did you do with the body and with that weight?

A Well, the undertaker came down - - will you repeat that? I didn't get that.

Q After you got the body up there in the boat, and

it was in the boat, what did you do with the body and this weight up there at the landing?

A Well, they just left it in there. And then after that the ambulance come, or the coach, or whatever you want to call it.

Q Did you stay there until the ambulance came?

A Yes, Sir.

Q Do you know who the undertaker was that was driving or operating with that ambulance?

A Chester Miller, I believe his name was.

Q You saw him come there, did you?

A Yes, Sir.

Q And you were there when he got the body?

A Yes, Sir.

Q And when the undertaker got there, what did he do with the body?

A He put it in a box.

Q And what did he do with the box?

A He set it back in the coach.

Q Now, Robert, did you see anything on this boy's hands or fingers?

A There was a ring.

Q What kind of a ring was it?

A A silver ring.

Q Did you examine that ring? Did you look at it?

A No, Sir. I didn't get close to it.

Q Would you recognize it if you saw it again?

A I might.

Q There is a ring, Robert, that has engraved on it "May 25, 1943" and the big initials "L. T.". Do you recognize that as being the ring that was on the finger of that body?

A It looked like it. I didn't get close enough to see the initials.

Q But that looks like the ring though?

A Yes, Sir.

Q Who took charge of this weight out there, Robert?

A Who was in charge of it?

Q Yes. Who took charge there and took it away from there?

A There was some sheriff - - I forgot who it was - - from Greenwood. I can't remember his name.

Q Was it Mr. Cothran, if you know?

A It could have been. I don't remember.

MR. SMITH: Take the witness.

MR. BRELAND: No Questions.

(WITNESS EXCUSED)

B. L. MIMS,

A witness introduced for and on behalf of the State, being first duly sworn, upon his oath testified as follows:

DIRECT EXAMINATION

BY MR. SMITH:

Q You are Mr. B. L. Mims?

A That's right.

Q And I believe you spell that M-I-M-S, is that right?

A Yes.

Q Where do you live, Mr. Mims?

A About five miles north of Philipp.

Q Is that in Tallahatchie County?

A Yes, Sir.

Q And I believe you live right down there, right at the river, is that correct?

A That's right.

Q And that is the Tallahatchie River?

A Yes, Sir.

Q Mr. Mims, do you recall the occasion back on August 31st, 1955, when a body was found down there at the river near your home?

A Yes. Sir.

Q Who notified you about that fact?

A It was one of these boys on the place there. I am not sure exactly who did notify me about It. But somebody told me about it.

Q And you then called the officers about it, is that right?

A Beg pardon?

Q Did you call the officers?

A No, Sir.

Q You didn't call them?

A No, Sir.

Q Mr. Mims, I believe someone down there did notify them, is that correct?

A Yes, Sir; that's right.

Q Did you go down there to the river after you heard about this?

A Yes, Sir.

Q When was the first time you saw this body?

A I went down the river. I used my outboard motor and boat, and I went down the river to look for him, and we found him.

Q Who was with you at that time?

A Deputy Sheriff Garland Melton.

Q Was there anyone else along?

A Yes, Sir. There was two men behind us in another

boat.

Q Who were they?

A Well, my brother Fred Mims, and Robert Hodges.

Q Will you just describe what you saw when you got there?

A Well, we saw a person - - from his knee on down and including his feet - - we saw that sticking up above the water. And we could tell by looking at it that it was a colored person. That is all we could see, just from the knee on down, both knees.

Q Why was that body there? Was it hung up, or floating or what?

A Yes, Sir, it was hung. It was hung.

Q Then what did you and the others do relative to that body?

A Well, we went up there and looked at it, and we decided that we was going to have to have a rope in order to unhang him. And so we sent one of the boats back after a line and to bring it down so that we could unhang the body.

Q And after you got the line, what did you do?

A Well, we tied it on the feet and then pulled the feet together. We tied it around the ankles and then pulled it loose from the bottom.

Q When you pulled it loose, did the body float there

in the water?

A Well, I am not sure about that. I wouldn't say it did float, and I say that because the deputy was there in the front end of the boat holding on to the line. And I didn't notice whether there was any slack that was loose enough for the body to be floating there or not. I didn't notice that.

Q What did you all do then with the body?

A We towed it downstream to a shallow bank there and then we landed there and pulled the body out.

Q Then was there anything attached to that body?

A Yes, Sir, there was.

Q What was it?

A It was a weight, part of a gin fan.

Q Would you recognize that fan if you saw it again?

A Yes, Sir, I believe I could.

Q Would you come around here and look at this fan here on the floor?

A Yes, Sir. (The witness observed the object). I think that is it.

Q Is that it?

A I believe it is, Yes, Sir.

Q It looks like it, does it?

A Yes, Sir.

Q Now, how was that fan attached to the body?

A It was tied around his neck and then it was around the fan.

Q It was tied with what?

A A piece of barbed wire.

Q When you all got it out there on the bank, what did you do then?

A The Deputy Sheriff disconnected the weight from the body there when we pulled it out.

Q And what did you do with the body and the weight?

A We pulled the body over there in an extra boat that we had there to tow him back in, and we put the weight there in the boat also, in the same boat.

Q And then what did you do?

A Then we connected it on behind my boat and towed it upstream to the landing.

Q And then what was done with the body?

A We pulled the boat, out on the bank about fifteen steps, I would say, from the water. And that is the way was when I left. I didn't stay there but a little while after that.

Q You are familiar with the river and the land and so forth down there in that section, are you not?

A Yes, Sir.

Q And I believe you are a landowner down there, is that right?

A A renter.

Q At the place you found that body, will you state to the jury and to the court whether it was on the Tallahatchie County side or on the LeFlore County side of the river?

A Well, I am not sure about how the line goes there. I understand the river is not exactly the way the line is. But I would guess it was in Tallahatchie County.

Q And would that be in the Second Court District of Tallahatchie County or the Sumner Court District?

A Yes, Sir.

MR. SMITH: Take the witness.

MR. CARLTON: No questions, Your Honor.

(WITNESS EXCUSED)

GEORGE SMITH;

Recalled as a witness for and on behalf of the State, having been duly sworn, upon his oath testified as follows:

REDIRECT EXAMINATION

BY DISTRICT ATTORNEY CHATHAM:

Q Is that Mr. George Smith?

A Yes, Sir.

Q Mr. Smith, what official position do you hold in LeFlore County, Mississippi?

A Sheriff.

Q How long have you held that position?

A Four years.

Q As Sheriff of LeFlore County, Mr. Smith, I want you to tell the court and jury whether or not during the period between August 28th and August 31st, 1955, you had occasion to investigate the death and disappearance of Emmett Till?

A Yes, Sir.

Q And during that investigation did you have an opportunity to talk to the defendant, Roy Bryant?

A Yes, Sir.

MR. BRELAND: Now, if the Court please, we are going to interpose here the same objection that we did before the preliminary examination of this witness, for two

reasons.

And the first reason is that it is not shown here in the preliminary examination that any statement incriminating this defendant was freely and voluntarily made. And that has already been decided by the Supreme Court of Mississippi. And if they are going to ask any additional questions to qualify the witness or any statement that he might have made, then that should be made or done in the absence of the jury.

THE COURT: Suppose you go ahead and ask your questions, Mr. Chatham. The objection at this time will be overruled.

Q Mr. Smith, where was Mr. Bryant when he made the statement to you?

A In my car, sitting there in front of his store, in Money, Mississippi.

Q And on what day of the month of August was that?

A It was Sunday afternoon, August 28th.

Q Sunday afternoon, August 28th?

A Yes, Sir.

Q Were there any other persons present at the time Mr. Bryant made the statement to you?

A No, Sir.

Q Now, before making any statement to you at that time, Mr. Smith, did you threaten or intimidate Mr. Bryant in

order to get him to make a statement?

A No, Sir.

Q Did you offer him any hope of reward or immunity from prosecution? Did you promise him any reward for making any statement to you?

A I did not.

Q And was the statement freely and voluntarily made by him to you?

A Yes, Sir.

Q I wish now, Mr. Smith, that you would please tell the jury what your conversation was with Mr. Bryant at that time in regard to the disappearance or murder of Emmett Till.

MR. CARLTON: We object, Your Honor.

THE COURT: The objection is overruled.

MR. CARLTON: We want to renew our objections at this time which we made earlier during the preliminary examination of this witness and for the same reasons that we stated then.

THE COURT: Let the record show that the objections of the defendants are renewed at this time as they were stated in the preliminary hearing made this morning relating to the same matters, and that the objections are now renewed at this time as they were given this morning.

MR. CARLTON: And if the Court please, the defendants

would like to object further on the grounds that the corpus delicti has not been definitely established.

THE COURT: The objection is overruled.

Q Mr. Smith, go ahead and tell about the statement that Mr. Bryant made to you that Sunday afternoon.

A Well, I just asked him about it.

Q What did you ask him?

A I asked him about going down there and getting that little nigger.

Q Will you please go over that again?

A I asked him why did he go down there and get that little nigger boy, and he said that he went down and got him to let his wife see him to identify him, and then he said that she said it wasn't the right one, and then he said that he turned him loose.

Q And where did he say that he turned him loose?

A He said right in front of his store.

Q Did he say that he went down to Mose Wright's house to get him?

MR. BRELAND: We object, Your Honor. That is a leading question.

THE COURT: I don't believe there has been any testimony in that respect.

Q Did he tell you where he went to get Emmett Till?

A To Mose Wright's.

Q And when you drove up to Roy Bryant's store in Money that Sunday afternoon, was the store open?

A No, Sir.

Q Where was Mr. Bryant at that time?

A He was asleep in back of the store.

Q And what time of the day was that?

A It was around two o'clock approximately.

Q Did he offer any explanation to you at that time as to why he was asleep?

MR. BRELAND: We object to that, Your Honor. That has nothing to do with the case at all.

THE COURT: The objection is sustained.

Q Did he say where else he had been the night before other than going down to Mose Wright's house?

A He said he went to some of his people - - I don't remember just who he said now - - and he said he played cards there the rest of the night.

Q He said he played cards the rest of night?

A Yes, Sir.

MR. CHATHAM: Take the witness.

RE-CROSS EXAMINATION

BY MR. BRELAND:

Q Mr. Smith, how long have you lived in the Greenwood neighborhood?

A Since 1921.

Q And did you live in the city during that time or out in the country around Greenwood?

A I lived in the city since '28.

Q And prior to 1928, where did you live?

A Well, I lived around Crahen or Moorhead (?), and I was there for about five years, and then I was at Minter City for two years.

Q And you have been Sheriff of that County for the past four years, is that right?

A Yes, Sir.

Q And by virtue of being an officer of that County, you got over the County very much during your administration, is that right?

A Yes, Sir.

Q And during that period of time you got acquainted with Mr. Roy Bryant, did you?

A Yes, Sir.

Q And of course, Mr. Roy Bryant was acquainted with you?

A Yes, Sir.

Q And you were all friends, is that right?

A Yes.

Q And you trusted him about matters, and he trusted you about matters, isn't that right?

A I hope so; Yes, Sir.

Q Now, in this last summer, in the last primary, you ran for representative in Leflore County, didn't you?

MR. SMITH: We object to that, Your Honor. That has nothing to do with this at all.

THE COURT: The objection is overruled.

Q That is correct, isn't it?

A That is right.

Q And Mr. Roy Bryant supported you for that office, didn't he?

A Well, I hope so.

Q But you understood that he supported you, isn't that true?

A Well, I didn't make any campaign for it, but if he did, I appreciated it.

Q But if you thought that you were his friend, then you expected it, didn't you?

A I hope he did.

Q And you believe he did, isn't that true?

A I am not going to doubt it, no, Sir.

Q And when you went up to Money that afternoon, when you went up there and went to his store, he was asleep back there in his living quarters, and you awakened him up or had him waked up is that right?

A Yes, Sir.

Q Were the other members of his family, the other members who were there, were they awake?

A I don't think anyone else was there but he.

Q Noone was there but he?

A That's right.

Q Wasn't his wife there?

A I didn't see her.

Q Did you see the little children?

A No, Sir.

Q Did you see anybody else there at all?

A Yes, Sir, I saw some others. They came there when we were there.

Q Did you see his Mother?

A No Sir.

Q Who did you say you saw?

A Some others.

Q Where they friends of his?

A No, Sir; relatives.

Q And they were there in the store at the time you were there, were they?

A When I was talking to Roy, they were there in the store.

Q And they were there when you got there?

A No, Sir. They followed me up.

Q But they were there before you took him out to your car to talk to him, is that right?

A I guess they was.

Q And you requested him to go out to your car where you could talk to him in private, is that right?

A Mr. Cothran told him to go out there, that I wanted to talk to him.

Q Was Mr. Cothran in the car when you talked to him?

A No, Sir.

Q Then Mr. Cothran stood aside there and was not present when you talked to him?

A No, Sir.

Q It was just you and he there together, is that right?

A That is all, sir.

Q In other words, the purpose of that was so that you could talk to him confidentially and privately, isn't that right?

A Well, I went, up there to see what I could do about

this trouble.

Q But the purpose of that was so that you could talk to him in private away from-anybody else, even away from members of his family or relatives, and even your deputy sheriff, isn't that right?

A Well, they didn't come out there.

Q But you asked him to come out there for that purpose, didn't you?

A Yes, Sir.

Q And of course, he left the impression that he was going to talk to you confidentially, and you left that impression with him, isn't that right?

A Well, I asked him about the trouble down there.

Q Now let's go further on that - - when you asked him to come out there, when you said that you wanted to talk to him, he naturally got the impression that you wanted to talk to him confidentially, isn't that right?

In other words, when he came out and got in the car with you alone, you closed the door of the car, and you were both alone in there, isn't that right?

A Well, I imagine that is right.

Q And that was so that you could talk to him there confidentially, isn't that right?

A Well, he came out to talk, Yes, Sir.

Q And you talked to him alone and separate from his kinfolks and also separate from your deputy sheriff, isn't that right?

A Well, they was standing off to the other side there.

Q But they were not within hearing distance, were they?

A No, Sir.

Q And what was said there in the car was just between you and Roy Bryant, isn't that right? Just between you two?

A That right, Sir.

Q Now, Mr. Smith, when you came up there to see Mr. Bryant, and he came out to your car and got in the car, and you got in the car with him there, you didn't tell him that you had come up there to arrest him, did you?

A Not at that particular time.

Q And you didn't mention that fact at all, did you?

A Not right then.

Q I mean, until he made that statement to you, isn't that right?

A Well, my general purpose was to go up there and arrest him.

Q But you didn't tell him that, did you?

A Well, not to come on, no, not right then.

Q And you didn't have a warrant for him, did you?

A Not at that time.

Q Did you tell him that you were investigating the case for the Sheriff's Office?

A Yes, Sir - - well, he knew that.

Q I am asking you if you told him that?

A I wouldn't say that I told him exactly that.

Q But you went up there that afternoon as far as appearances were concerned, and as far as a reasonable man would think, where he might have been concerned, you went up there just as a friend to talk privately with him, isn't that right?

A Well, I got him in the car, yes, Sir.

Q Of course. And you didn't tell him that any statement that he might make to you anyway incriminating him might be used against him did you?

A There wasn't no statement hardly made, Mr. Breland.

Q But you didn't tell him that, did you?

A No Sir, I did not.

Q And did you later arrest him?

A Yes, Sir.

Q Did you tell him that you were arresting him?

A Yes, Sir.

Q Just what were the words you said?

A I told him I was going to have to arrest him and

take him in, and he asked me to let him go in and put on some clean clothes; which he did.

Q did you tell him what you were arresting him for?

A I told him what I was arresting him for, yes.

Q And you took him right on to jail in Greenwood, did you?

A A few minutes later, yes, Sir.

Q In other words, you waited for him so that he could dress and change clothes?

A Well, he waited on some customers and so forth first.

Q And you didn't have him in handcuffs or anything like that?

A No, Sir.

Q You just took him along with you to Greenwood and put him in jail, is that right?

A Yes, Sir.

Q And he stayed there in your jail from that time on until he was brought to Tallahatchie County, is that right?

A Yes, Sir.

MR. BRELAND: That is all.

REDIRECT EXAMINATION

BY THE DISTRICT ATTORNEY:

Q Mr. Smith, the town of Money is in LeFlore County,

is that right?

A Yes, Sir.

Q How long has Mr. Bryant been in business at Money, to your knowledge?

A Approximately - - I don't know exactly, but I wouldn't say not over two years, I don't think.

Q And during that time you became acquainted with him and he with you, is that right?

A Yes, Sir.

Q And when you talked to him on this particular Sunday afternoon, he knew you were Sheriff of LeFlore County, is that right?

A That's right, Sir.

Q After he made the statement to you that he did go down there to Mose Wright's house that night and got Emmett Till, and then he found out he was the wrong man - - -

MR. WHITTEN: I don't believe any of that part was testified to, Your Honor.

THE COURT: I think it was. Go ahead, Mr. Chatham.

Q (Continuing) - - - and found out that he was the wrong boy and then put him out of the car and released him where did he say that he released him?

A There in front of his store.

Q And his store is in the town of Money, is that right?

A Yes, Sir.

Q Do you know how far that point would be from Mose Wright's house where he had gotten him?

A Approximately three miles, something like that.

Q Did he offer any explanation to you at that time as to why he did not carry the boy back home when he found out he was the wrong boy?

A He said he figured he knew the way back.

Q MR. CHATHAM: That is all.

MR. BRELAND: Now, if the Court please, we move to exclude this witness' testimony with reference to that statement. And any confession or statement made by Mr. Bryant to the Sheriff at that time would not be admissible, because it has been shown that any statement he did make was not made free and voluntarily to the Sheriff, and he was not properly advised of his rights.

THE COURT: That motion will be overruled. The witness was the Sheriff of Tallahatchie County, and as such, it was his duty to investigate any and all crimes and alleged crimes.

MR. CHATHAM: I believe Your Honor used the word "Tallahatchie" County, but I believe you meant to say LeFlore County.

THE COURT: Yes - - excuse me - - I meant to say he was

the sheriff of LeFlore County.

MR. CHATHAM: That is all we have for this witness.

(WITNESS EXCUSED)

MR. BRELAND: Your Honor, we don't like to be repetitious but the District Attorney in propounding questions to the witness used the words or name "Emmett Till". And there has been no evidence here to show that either party knew the name of Emmett Till at that time.

THE COURT: It is the Court's recollection that Emmett Till's name was mentioned in direct examination.

MR. BRELAND: Then we would like to call Mr. Smith back to the stand, if you please.

GEORGE SMITH,

Recalled as a witness for further cross examination by the defense, having been duly sworn, upon his oath testified as follows:

RE-CROSS EXAMINATION

BY MR. BRELAND:

Q If we understand your testimony correctly Mr. Smith, you asked Mr. Bryant at that time why he went down there and got that little ole boy, and you just asked him about a boy, and you didn't mention the name "Emmett Till", is that right?

A I didn't know Emmett Till's name at that time.

Q And so far as you know, neither did Mr. Bryant?

A No, Sir, I don't know that he did.

MR. BRELAND: Now, if the Court please, we ask that his testimony be excluded.

REDIRECT EXAMINATION

BY THE DISTRICT ATTORNEY:

Q Mr. Smith, on that Sunday afternoon when you were talking to Mr. Bryant, and he told you that he had found out that the boy he had gotten from the house of Mose Wright was the wrong boy, and he said that he had released him after that, where did he say he released him?

A In front of his store.

MR. BRELAND: That is repetition, Your Honor.

THE COURT: That question was asked before.

MR. CHATHAM: But before when I questioned him about this, I used the words "Emmett Till" and that is what they objected to. And I am just going back to the testimony about the boy that was taken out of the house and later, so he said, he was released. I am just clearing that up as far as the testimony is concerned.

THE COURT: That is correct.

MR. CHATHAM: And I would like for the rest of his

[page missing]

Q Greenwood, LeFlore County, Mississippi?

A Yes. Sir.

Q How long have you been in that County?

A Thirty years.

Q Thirty years?

A Yes, Sir.

Q And during the past four years, have you occupied any official position in that County?

A I have.

Q And what was that position?

A Deputy Sheriff.

Q You were a deputy under Sheriff George Smith, is that right?

A Yes, Sir.

Q Were you serving in that capacity during the month of August, 1955?

A I was.

Q As Deputy Sheriff working under Mr. Smith, did you have occasion to assist him in investigating the death or disappearance of a negro boy by the name of Emmett Till?

A Yes, Sir.

Q And in your investigation, did you have occasion to talk to Mr. J.W. Milam, one of the defendants in this case?

A Yes, Sir.

Q And when was it that you talked to him, Mr. Cothran?

A It was in the LeFlore County jail.

Q You talked to him in LeFlore County jail?

A Yes, Sir.

Q Do you remember how many days after the body was found it was that you talked to him, or was it before that?

A It was after the boy had disappeared, but it was after he was placed under arrest for the commission of an alleged crime.

Q Who was present when you had this conversation with Mr. Milam?

A No one but him and myself.

Q And you say that was in the LeFlore County jail over in Greenwood?

A Yes, Sir.

Q Did you offer or promise Mr. Milam any reward for making a statement to you?

A He didn't make a statement.

Q But you say you talked to him?

A Yes, Sir.

Q And in that conversation you had with him, he did make a statement, isn't that right?

A That's right.

Q Before that statement was made, did you offer him

or promise him any reward or hope of immunity afterwards if he would make any statement to you?

A No, Sir.

Q Did you threaten him or intimidate him in any way at any time in order to get him to make a statement to you?

A No, Sir.

Q Was any statement made to you on that day in the LeFlore County jail by Mr. Milam?

A Yes, Sir.

Q And was the statement made to you on that day, at that particular time, freely and voluntarily made?

A Yes, Sir.

Q Mr. Cothran, will you tell the Court in the absence of the jury what your conversation was at that time with Mr. Milam?

A I asked him if they went out there and got that boy.

Q When you said "they", did you call them by name?

A I didn't call anyone by name. I just asked if they went out and got that boy. And then he said, yes, they had got the boy and then turned him loose at the store afterwards; at Mr. Bryant's store.

Q Did he say why they turned him loose there?

A He just said that they brought him up there and talked to him, and then they turned him loose.

Q Did he say why he went down to get the boy at Mose Wright's house in the first place?

A No.

Q Did he offer any explanation to you as to why they didn't carry the boy back down to Uncle Mose's house after that?

A I didn't ask him.

Q And he didn't offer any explanation to you about that?

A No.

MR. CHATHAM: I believe that is all we have in qualifying the witness for the State.

CROSS EXAMINATION

BY MR. CARLTON:

Q Mr. Cothran, give to the Court the exact language of the question which you asked "J.W." on this occasion?

A I asked him if they went out and got that boy, out at Mose Wright's house.

Q Then you said, "Did they go out and get that boy from Mose Wright's house?"

A I just said "Did you all".

Q And what was his exact answer to you?

A He said, yes, but they put him out there at the store.

Q And when he said, yes, but they put him out there at the store, did he say who put him out at the store?

A No, he didn't say.

Q And when he gave his answer to you, did he say "They" or "We"?

A I don't remember whether he said "We" or "They".

Q Now who was present when you had this conversation with Mr. Milam?

A You mean when I talked to Mr. Milan?

Q Yes, Sir. Who was present at that time?

A Nobody but me and him.

Q Was Roy Bryant present?

A No.

Q Mr. Cothran, you were a candidate this year for Sheriff of LeFlore County, isn't that right?

A That's right.

Q And Mr. Campbell, a brother-in-law of Mr. Milam down there at Minter City, supported you in that campaign for Sheriff, isn't that true?

A I think so.

Q And Mr. Milan supported you in that campaign, isn't that true?

A I think so.

Q And the there was a brother over at Itta Bena who

supported you, isn't that right?

A I think so.

Q In fact, the entire family supported you in your campaign for Sheriff, isn't that right?

A I believe they did.

Q And you are a good friend of that entire family?

A Yes.

Q And you no doubt believe-that they are all good friends of yours?

A Yes, Sir.

Q And you knew J. W. Milam before that time, did you?

A Yes, Sir.

Q And you all were good friends in the past?

A Yes, Sir.

Q Did you know that any statement he might make to you would be used against him?

A No, Sir.

Q And on what day did this particular conversation occur?

A It was on Monday.

Q Then it was on Monday, August 29th, after the boy had disappeared and before the body was found, is that right?

A Yes, Sir.

Q Mr. Cothran, do remember the occasion about a

week ago when you conferred with Mr. Breland, Mr. Henderson, and Mr. Kellum, and myself, and also Mr. George Smith, when we were all together over there in the office?

A I do.

Q And on that occasion, Mr. Cothran, did you not make the statement to us that you had never talked to "J.W." at all about this and that he had never made any statement about it?

MR. CHATHAM: If the Court please, this doesn't go into the admissability of the statement.

THE COURT: No, it doesn't; but it is all right to ask it now.

MR. CARLTON: Well, we will hold that for now. But we will object to the admission of this testimony and this alleged admission on the grounds that it was not freely and voluntarily made, and that if any statement was made, it was made under improper circumstances without the defendant being properly advised of his rights. And we say that it is inadmissible for that reason.

And we also have a further objection to this witness's testimony at this time on the grounds that the corpus delicti has not been proven, and that there has been no showing whatsoever in the record that the body taken from the Tallahatchie River and alleged to be that of Emmett Till,

that the death of that body was caused by any criminal agency whatsoever.

THE COURT: The objections will be overruled. Let the jury come in.

(The jury returned to the courtroom, and the proceedings continued with the jury present.)

Q Is this John Ed Cothran?

A Yes, Sir.

Q Mr. Cothran, where do you live?

A Greenwood.

Q Greenwood, LeFlore County, Mississippi?

A Yes, Sir.

Q How long have you lived in LeFlore County?

A Thirty years.

Q What, if any, official position have you held in that county during the past four years?

A Deputy Sheriff.

Q Deputy Sheriff?

A Yes, Sir.

Q And you have been a deputy under Sheriff George Smith, is that right?

A Yes, Sir.

Q In your capacity as Deputy Sheriff, I want you to tell the Court and jury whether or not in the latter part

of August, 1955, you had occasion to investigate the murder or disappearance of Emmett Till?

A I did.

Q And in that investigation, did you have occasion to talk to J. W. Milam, one of the defendants in this case?

A Yes, Sir.

Q Where was he when you talked with him?

A In the LeFlore County jail.

Q Do you remember the day of the week it was that you talked with him?

A Monday.

Q You talked with him on Monday?

A Yes, Sir.

Q And had he been arrested that day or was it the day before?

A That day.

Q Who was present in the jail, Mr. Cothran, when you talked with him?

A No one but he and myself.

Q Now, before he made any statement to you, and before you asked him any questions, did you threaten him or intimidate him in any way in order to compel him or force him to make any statement against his will?

A No, Sir.

Q You did not?

A No, Sir.

Q And before he made any statement to, you, did you promise him any reward or hold out any hope of immunity for him if he made any statement to you?

A No, Sir.

Q And was any statement that he made to you in the jail at that time on that Monday, was that statement freely and voluntarily made?

A Yes, Sir.

Q Now, will you tell the jury, Mr. Cothran - - and speak out so the last man sitting over here on the back row can hear you, will you state what you had to say to "J.W." that day in the jail and what he had to say to you in regard to the murder of Emmett Till?

A I asked him if they went out there and got that little boy and if they had done something with him. And he said that they had brought him up there to that store and turned him loose, there at Roy Bryant's store.

Q Did you say they went and got the boy, or did he say we went and got the boy?

A I don't remember whether he said "we" or "I". I wouldn't say for sure.

Q Did he say where they got the boy?

A Over at Mose Wright's.

Q He told you they had gotten the boy at Mose Wright's house?

A Yes, Sir.

Q Did he say what time of the night or morning it was when they went out and got him?

A No, Sir.

Q Do you remember whether you asked him specifically the hour that he got him from Uncle Mose's house?

A No, Sir.

Q What did he say, Mr. Cothran, with reference to what he or they did with the boy after they got him from old man Mose's house?

A He said they brought him up there and talked to him, and then they let him go.

Q Where did he say they brought him to talk to him?

A Up to Mr. Bryant's store.

Q Where is Mr. Bryant's store?

A In Money, Mississippi.

Q And Money is in LeElore County, Mississippi, is that right?

A Yes, Sir.

Q Do you know about how far it is from Uncle Mose's house to Mr. Bryant's store at Money?

A I would say around three miles.

Q How long did they say they kept him up there before they released him?

A He didn't say.

Q Did he offer any explanation to you as to why they didn't carry the boy back home, back down to Uncle Mose's house?

A No, Sir.

Q Did he tell you where he spent the rest of the night after that?

A He told me he went home.

Q He said he went home after that?

A Yes, Sir.

Q Do you know where he was living at that time?

A No, Sir.

Q How long had you known Mr. Milam prior to this conversation you had with him?

A I imagine around a couple of years.

Q Would you say that you knew him well and that he knew you well?

A Yes, Sir, I knew him.

Q So that, at the time you were talking to him in the jail there in regard to this alleged crime, he knew you were a deputy sheriff of that county under Sheriff George

Smith, is that right?

A Yes, Sir.

Q And I believe it is the fact that you arrested him and brought him to jail, is that correct?

A Yes, Sir.

Q Now, Mr. Cothran, in your further investigation of this alleged crime, did you go down to the point on the Tallahatchie River between Philipp and Masel where the body was found?

A Yes, Sir.

Q And that was a body said to have been the body of Emmett Till, is that right?

A That's right.

Q When did you go down there?

A It was on Wednesday morning about - - around ten o'clock.

Q Then that would have been Wednesday morning, August 31st, is that right?

A Yes, Sir.

Q And it was this year, 1955?

A Yes, Sir.

Q And you say that was about ten o'clock in the morning?

A Yes, Sir.

Q And what was the occasion for your going to that particular place? In other words, did you receive some message to go there or some request?

A Yes, Sir.

Q Do you remember who made that request of you or the sheriff?

A Mr. McCool, the office deputy, called me and told me - - -

MR. BRELAND: We object to any conversation, Your Honor.

THE COURT: Don't repeat any conversation.

Q But you did receive a request from someone in the sheriff's office to go to that place there on the Tallahatchie River between Phillip and Masel, is that right?

A Yes, Sir, that's right.

Q And did you there immediately?

A Yes, Sir.

Q Who went there with you?

A Mr. Weber.

Q And who is Mr. Weber?

A A deputy sheriff.

Q Did you stop on the way there anywhere between Greenwood and the point of your destination?

A We did.

Q Where did you stop?

A At Mose Wright's.

Q Was Mose at home?

A Yes, Sir. He was picking cotton.

Q And did you pick him up?

A Yes, Sir.

Q And where did you and Mose and Mr. Weber go after that?

A We went up on the Tallahatchie River, up on the other side of Philipp.

Q What did you find there when you got to that particular point on the river?

A We found a body that they had taken out of the river.

Q and where was the body when you and Uncle Mose first got there?

A It was laying in a boat there at the edge of the river.

Q And where was the boat? Was it in the water or out on the bank?

A On the bank.

Q Do you remember who else was around there assisting in getting the body there in the boat, and the details connected with it?

A Well, Mr. Strider was there, the Sheriff. And there was several people around there. There was Mr. Smith. He was over there. And I don't know just who all was there. There was several more.

Q Was there a number of your people around there?

A Yes, Sir.

Q Do you recall the negro undertaker at Greenwood?

A Chester Miller?

Q Yes, Chester Miller?

A Yes, Sir.

Q Was Chester there?

A Yes, Sir.

Q Was he there when you first got there?

A No, He came right after I got there.

Q And did he have his funeral coach with him?

A Yes, Sir.

Q And I believe you said that boy was in the boat when you first got there, is that right?

A Yes, Sir.

Q And how long was it after you got there that the body was removed from the boat?

A Oh, I imagine around twenty minutes, maybe more or maybe not.

Q What did they do with the body after it was taken

out of the boat? How did they handle it?

A They took some big brown wrapping paper and put it around the body and then put it in a casket.

Q When you first saw the body there, was it lying on its back or face down?

A On its face.

Q And was it turned over before it was taken out of the boat?

A Yes, Sir.

Q And then what was done with the body, John Ed?

A It was put in a casket.

Q Was the casket out on the bank?

A Yes, Sir.

Q And who was supervising that? Was it Chester Miller?

A Chester Miller. He was the one that handled him.

Q And he was the undertaker there?

A That's right.

Q Now, in the course of Chester and those who were assisting him in removing the body from the boat and putting it in the casket, do you recall seeing a ring on the deceased's finger and seeing that ring removed from his finger?

A Yes, Sir.

Q Do you remember generally what kind of ring it was, the general description of it?

A Yes, Sir. It was a - - it looked like a home-made ring.

Q Was it silver or gold?

A It was silver looking.

Q Did it have any marks or identification on it that you remember?

A Yes, Sir.

Q And what were they?

A 1943 was the date.

Q 1943? Did it have any other marks?

A Yes. It had May - - I don't remember just what date was.

Q Did it have any initials on it?

A L. T.

Q Did you see that ring on the deceased's finger before it was taken off his finger?

A Yes, Sir.

Q And who took it off his finger?

A This Miller's helper.

Q Do you know whether that was Chester's boy or not?

A I think his name is Simon Garrett.

Q Did you see Simon when he took the ring off the deceased's finger?

A Yes, Sir.

Q What was done with that ring after Simon took it off the body?

A He gave it to Mose Wright.

Q Do you know what Mose did with it?

A Yes, Sir.

Q What did he do with it?

A He carried it to his house.

Q Did you see the ring at any time thereafter?

A Yes, Sir.

Q How long was it after that when you saw it again?
When did you see it again?

A He gave it to me as soon as that boy looked at it.

Q How is that?

A He gave it back to me there at his house.

Q Did you go with him back to his home?

A I carried him back down there.

Q You didn't drop him out there at Money?

A No. I carried him out there.

Q And when you took him back home, he returned that same ring back to you?

A Yes, Sir.

Q And have you had that same ring in your possession since?

A Yes, Sir.

Q I will hand you this ring, Mr. Cothran, and I ask you if you can identify it as the same ring that was taken from the body there at that point on Tallahatchie River on the day that you went over there? (A ring is shown to the witness.)

A It is.

Q And have you given anybody else possession of that ring since you have had it?

A Nobody but you.

Q Nobody else except me?

A That's right.

Q Now, you were speaking from your recollection a few minutes ago when I asked you what marks of identification were on the ring. And for the purposes of the record now, and for the benefit of the jury, I would like for you to read what marks, or initials, or figures are on that ring.

A (Reading) "May 25, 1943." And then right under that it has got "L. T.".

Q The initials "L.T."?

A Yes, Sir.

MR. CHATHAM: If the Court please, we at this time will offer this ring in evidence as Exhibit 1 to the testimony of Mr. John Ed Cothran.

THE COURT: It will be received in evidence.

(A ring was tagged and marked as Exhibit 1 to the testimony of Mr. John Ed Cothran by the reporter.)

Q Now, John Ed, I wish you would step down off the witness stand and look at this object lying on the floor here in front of the jury, and if you can, I wish you would tell the jury when was the first time you saw that object? And will you tell what it is and the first time you saw it?

A Well, the first time I saw it was out there at that river that morning, laying in a boat there.

Q Was it in the boat with the body at the same time you testified of your seeing the body?

A That's right.

Q And on that same day?

A Yes, Sir.

Q Was it in the same boat with the body or was it in a separate boat?

A It was in the same boat.

Q At the time you saw the fan and the body, was the wire still attached to the fan and to the body or not?

A No, Sir, it wasn't.

Q The wire was not attached to the body when you saw it?

A The wire was still on the body but it was not on the fan.

Q Can you tell the court and jury where that fan has been since that day?

A It has been in the Sheriff's office down in Greenwood.

Q Who carried it there?

A I did.

Q And could you say that the object there on the floor is the same fan and that it is the same piece of wire that you took from the boat that was at the river that day?

A Yes, Sir.

Q And it has been in your possession since then?

A Yes, Sir.

Q Mr. Cothran, you are familiar with the area around Money where Uncle Mose Wright's house is situated or where the house is that he was living in on August 28th of this year, are you?

A Yes, Sir.

Q And is that house in LeFlore County, Mississippi?

A Yes, Sir.

Q Now, John Ed, how long have you been a peace officer?

A Almost eight years.

Q And during that time I want you to tell the court and jury whether or not you have had numerous occasions to

see bodies that have been maimed and beaten and shot or wounded?

A Yes, Sir, I have.

Q And since you have, I would like for you to describe for the court and jury the condition of this boy's body that you saw there in the boat that you have testified to and about, with reference to any wounds or abrasions on or about his head or body? And describe them, if you can, please, Sir?

A Well, his head was torn up pretty bad. And his left eye was about out, it was all gouged out in there, you know. And right up in the top of his head, well, there was a hole knocked in the front of it there.

And then right over his right ear - - well, I wouldn't say it was a bullet hole, but some of them said it was - -

MR. BRELAND: We object to what they said it was.

THE COURT: The objection is sustained.

Q But there was a hole there on that side of his head - - -?

MR. BRELAND: We object to the leading form of the question.

THE COURT: I believe he said there was a hole in his head there.

Q And I believe you said there was a hole there, and you indicated with your finger that it was about one inch above the right ear, is that right?

A Yes, Sir.

Q And could you describe the dimensions of that hole by an illustration with a dime or a penny, or anything of that sort?

A No - - it wasn't anything like that big. It was just a small hole.

Q Could you tell whether or not that hole penetrated the skull?

A No, Sir.

What portion of the left side of his head was caved in?

A Right above his ear, on that side (indicating with his hand).

Q do you mean at a point next to the left temple?

(At this point, one of the jurors stated that he could not hear the witness's answer.)

THE WITNESS: I said it was on the left side of his head, right alongside his left ear and above his ear.

Q From the way you indicated with your finger, you began at a point on the left temple, about an inch above the left eye and his left ear, and extending back to a

point about an inch or an inch and a half behind the left ear, is that correct?

MR. BRELAND: I think we should let the witness make his own statement about that, Your Honor.

THE COURT: Was that right, Mr. Cothran? Did Mr. Chatham state it correctly?

THE WITNESS: I think I have got confused myself, Judge.

THE COURT: Then suppose you tell it to the jury, yourself, Mr. Cothran. Just state it to them in your own words, and show on your head, as best you can where it was, and just what the condition looked to you.

THE WITNESS: There as a small hole in his head right above the ear over on the right side of his head, over here - - - and that was all tore up. (The witness hesitated in his answer at this point) Now the reason I hesitated there, I wanted to be sure I was getting it on the right side.

Q And what about the front part of his head, and on his forehead?

A There was a place knocked in on his forehead.

Q Did that seem to penetrate the skull?

A Well, it looked like it did.

Q With reference to other parts of his body being maimed or mutilated, did you notice that?

A There wasn't any.

Q Did you notice anything at all other than about the head?

A No, Sir.

MR. CHATHAM: Take the witness.

CROSS EXAMINATION

BY MR. CARLTON:

Q Mr. Cothran, I believe you ran for Sheriff of LeFlore County this last summer, is that right?

A Yes, Sir.

Q That is, this summer?

A That's right.

Q And in that campaign, I believe that Mr. Milam's brother-in-law over at Minter City, Mr. Campbell, supported you in that race, is that right?

A Yes, Sir.

Q And Mr. Milam supported you in that race?

A Yes, Sir.

Q And Mr. Roy Bryant, from Money, supported you, is that right?

A Yes, Sir.

Q And Mr. Beaner (?), a full brother of Mr. J.W. Milam, also supported you, I believe?

A Yes, Sir.

Q And the entire family, generally, have been friendly with you over a period of years, is that right?

A That's right.

Q And you have confidence in that family, and the family has confidence in you?

A Yes, Sir.

Q And you have known J.W. Milam for several years, have you?

A For about two years.

Q And he was friendly with you and you were friendly with him?

A Yes, Sir.

Q And they were right in treating you as a friend, isn't that right?

A Yes, Sir.

Q And they were right in feeling that you would treat them fairly and properly?

A That's right.

Q Now, when this statement that Mr. Milam was supposed to have made to you there in the courthouse in Greenwood on Monday, the 28th - - -

Mr. CHATHAM: We object to that statement that it was supposed to have been made. He had already testified that

he unequivocally made a statement.

Q Mr. Cothran, this statement to which you testified that Mr. Milam made to you on Monday, the 28th - - or I believe it was the 29th - - of August, was anyone present when that conversation was had between you all?

A No, Sir.

Q And where was it made?

A Up in the jail there.

Q Was Mr. Roy Bryant present at that time?

A No, Sir.

Q Was there anyone else there at all?

A There was no one but J. W. and myself.

Q Was he in a cell at the time?

A We were going in a cell.

Q And he made this statement to you right after you arrested him?

A Well, he stopped there and talked to me after we got to the jail.

Q And that is when he made the statement to you?

A Yes, Sir.

Q And had you told him anything that he might say there would be used against him?

A No, Sir.

Q Had you told him that he was under arrest?

A Well, no, Sir, I hadn't.

Q Had you given him any reason to think that you were asking that question for the purpose of incriminating him?

A Well, I just asked the question.

Q And you talked to him and asked him that just as one friend would ask another friend, is that right?

A Yes, that's right.

Q And just what was the exact question which you asked him, John Ed?

A I asked him if they had carried that boy off.

Q You asked him if they had carried that boy off?

A That's right.

Q And you used the term or words, "If they had carried the boy off"?

A Yes, Sir.

Q And just what was his answer?

A He said that they carried him up to Roy Bryant's store, and they talked to him, and then they let him go.

Q Now, let's get over here and look at this gin fan or this object on the floor here, John Ed. Will you tell the jury just how that fan is made, and for the purpose of the record, will you describe it so that the reporter can get it down here? Will you give us a description of that fan?

A What do you mean?

Q Well, how many blades are in it?

A I don't know.

Q Count them there, please, sir.

A Eighteen.

Q It has eighteen blades?

A That's right.

Q Are those blades flat or cupped?

A They are cupped on the bottom and kind of flat at the top.

Q And they are set in there between the metal sides, I believe, is that right?

A That's right.

Q Are the sides circular?

A Yes, Sir.

Q And of course, the fan is lying flat on the floor now, is that right?

A Yes, Sir.

Q And one side is lying flat on the floor, and then come these eighteen blades, and then the next side is on top of that, is that correct?

A That's right.

Q And there is a big, heavy hub in the center there, is that right?

A That's right.

Q And those blades are sharp on the end, is that correct?

A Yes, Sir.

Q Now, how wide is this hub across here?

A About three inches.

Q Is that made out of heavy metal or light metal?

A Heavy.

Q And is it round or square?

A Round.

Q How long are those blades, Mr. Cothran? That is, from the inside edge to the outside edge, what is your best judgement as to the length of the blades?

A Six or eight inches, I imagine, something like that.

Q And how wide across is the fan? What is the diameter, approximately?

A About - - almost three feet.

Q Have you had occasion to weigh that fan?

A I did.

Q And how much does it weigh?

A Seventy pounds.

Q When you took the fan out of the boat up there at the river, was it muddy or clean like it is now?

A It was full of mud.

Q Who took it away from the scene there?

A Two colored boys put it in my car.

Q Did it still have mud on it when they put it in your car?

A yes, Sir.

Q Did it get your car muddy?

A Yes, Sir, it sure did.

Q And of course, it weighed considerably more when you took it out of the river there than it does now, is that right?

A Almost twice.

Q Then you would say that the weight was somewhere around one hundred and forty pounds when it came out of the river, is that right?

A Yes, Sir, I sure would.

Q Now, how long was this barbed wire that was wrapped around the neck of this body in the boat? How long was that wire, the length of it, from his neck?

A They had the wire off the fan when I got up there. I don't know how much of it they had off. But it was tied around the fan before, and I would judge from the length of it now - - well, I would say the length - - well, it looked to me like it would have been a width of about that long (indicating with his hands).

Q Would you say that is about eighteen inches?

A Something like that.

Q then about eighteen inches would have been the distance the body was from the fan, is that right?

A Yes, Sir.

Q Now, this wound over his right ear, the small wound, was it round or what kind of a wound was it?

A It wouldn't say because I don't know.

Q Was it just a hole there?

A It was just a little hole.

Q And as I understood from your testimony, there were some gashes or cuts over his left ear?

A That's right.

Q And these gashes over his left ear, what did they look like?

A They was just gashes, is all I know.

Q And how many were there?

A I know there was two.

Q And how close together were they?

A Oh, they were pretty close together.

Q Was it possible for those gashes to have been made by this fan dropping on that head, in your best judgement?

A You mean if they dropped that on his head?

Q Well, the body was found in the river, I believe,

is that right?

A Yes, Sir.

Q Do you think the body went in the river under its own power?

A I don't know.

MR. SMITH: Your Honor, we object to what he thinks, even if it is cross examination.

THE COURT: Yes - - don't ask the witness that.

Q Of course, you don't know, Mr. Cothran, whether the body went in the river first or whether the fan went in the river first, do you?

A No, Sir.

Q But those wounds on the left-hand side of his head were such that they could have been made by this fan dropping on the head, isn't that right?

A Yes, Sir. If it had hit him, it would have.

Q And the depressed place in the forehead of that body, the gash there, that could have been made by the fan blades or by the hub, too, couldn't it?

A Yes, Sir.

Q In your best judgement, was it possible for that place, the wound over his right ear, was it possible for that to have been made by a snag in the river?

A Yes, it could have been.

Q John Ed, when you arrested Mr. Milam, did he ask you to be allowed to talk to counsel or to an attorney?

A Yes, Sir.

Q And what did you answer him?

A I told him he could call in the office.

Q And did you allow him to call his counsel or his attorney?

A I don't know whether he did or not.

Q Was that before the statement which you testified about was made or after?

A It was before. We went in the office there, but I don't know whether he called or not.

Q All right. Now, John Ed, I believe you testified on direct examination that there was no mutilation of this body except around the head?

A That's right. If there was, I didn't see any.

Q Had the boy's privates been mutilated?

A No, Sir.

Q Did his back show any signs of any bruises or any wounds at all on the back?

A Now you are asking me a pretty hard question there. That body was in pretty bad shape, and I couldn't hardly tell. And I wouldn't want to answer that "Yes" or "No". At least, you couldn't see any.

Q Then you couldn't see any signs of that?

A You couldn't see any.

Q Now, let's go down to the morning of Wednesday, the 31st of August, when you left Greenwood - - I believe you said that deputy sheriff Weber, from Itta Bena, Le-Flore County, was with you?

A Yes, Sir.

Q Was anybody else in the car with you?

A No, Sir.

Q And after you left there, where did you first stop?

A At Mose Wright's.

Q And did you pick up anybody there at Mose Wright's?

A We picked up Mose Wright.

Q Did you pick up anybody else there at Mose Wright's?

A No, Sir.

Q And as I understand, you stopped again between there and the river, is that right?

A I did.

Q And where did you stop?

A We stopped at Ray's Service Station in Philipp.

Q Did you pick up anybody there?

A Yes, Sir.

Q Who did you pickup there?

A I never did ask the man his name.

Q Did you at any time pick up Deputy Smith of Tallahatchie County?

A Not then.

Q Not on that trip?

A I don't remember ever picking him up.

Q When you got up there to the river, and after you parked your car, could you see the body in the boat in the river down there?

A Not from where we parked the car.

Q And why couldn't you see it?

A There was some bushes and trees between me and where the boat was.

Q After you stopped and parked the car there, did Mose Wright get out of the car with you?

A Yes, Sir.

Q And then you walked down towards the river, I believe?

A That's right.

Q And when you were about fifteen or twenty yards away from the boat, did Mose make any statement about whether the body in the boat was that of Emmett Till or not?

A Yes, Sir. He said, "I believe that's him."

Q And when he made that statement to you, where was

the body at the time?

A It was in the boat.

Q And where was the boat then?

A It was setting on the river bank about - - I would say, about twenty feet from us.

Q The boat was about fifteen or twenty feet from you or would you say it was fifteen or twenty yards away?

A Feet.

Q And was the body lying on its back or was the body on its stomach?

A It was on its stomach.

Q And which end of the body was towards you and Mose?

A The head.

Q Now there at the boat, was Mose's attention directed to the ring that was on this boy's hand?

A Well, I don't know just how - - I don't know who first saw that ring.

Q But was Mose asked any questions there about the ring?

A That's right.

Q And what did Mose say there about the ring?

A He said he didn't know about the ring at the time, but he said he would carry it out to his house and ask his boy about it, that he would know.

Q And Mose said at that time that he didn't know anything about the ring?

A That's right.

Q What hand of the body was the ring on?

A It was on his right hand.

Q Do you know which finger it was on?

A I think it was on his middle finger.

Q Was there any tape wrapped around the ring?

A I didn't see any.

Q Did the ring come off the hand or finger easily or was it hard to get off?

A It wasn't any trouble to get off.

Q Beg pardon?

A The ring didn't seem any trouble to get off, or it didn't look like it was. I think the undertaker took it off.

Q Now, when Mose got up close to the boat and saw the body there, did he make any statement to you such as, "I could be mistaken that it might could not be him"?

A He did.

Q At the time this ring was taken off his finger, did the skin come off with the ring?

A Yes, Sir.

Q And how about the finger nails?

A I didn't notice about that.

Q Did you examine his left hand?

A No, Sir.

Q Was the skin slipped badly all over his body?

A I didn't notice that, but when they pulled that ring off, it slipped off.

Q And you didn't look at the left hand at all?

A No, Sir.

Q What was the position of his tongue there at the scene?

A It was swelled out of his mouth.

Q And what was the condition of the body all over as regards swelling?

A It was bad.

Q And was he a well developed body?

A Yes, Sir.

Q And what was the condition of his privates there when he was turned over?

A It was in bad shape.

Q Were they swelled or stiff?

A Well, swelled or stiff.

Q And were they well developed privates?

A Yes, Sir.

Q How old would you estimate this body to be?

A I wouldn't.

MR. CARLTON: That is all, Your Honor.

THE COURT: Any further questions, Mr. Chatham?

MR. CHATHAM: Just one minute, Your Honor, please. We want to offer - - well, I am not in a condition right now - - or I can't lift this object here, this gin fan, but we want to offer it as Exhibit 2 to Mr. Cothran's testimony.

THE COURT: All right, sir- I think we will just let the Court Reporter take care of that.

REDIRECT EXAMINATION

BY THE DISTRICT ATTORNEY:

Q John Ed, during the cross examination by Mr. Carlton, at one point there with reference to Uncle Mose Wright's statement, I believe he asked you if Uncle Mose at that time expressed any doubt that his identification of the body, and I believe you answered at that time that Uncle Mose said he might be mistaken; is that right?

A Yes, Sir.

Q And at that particular time, I want you to tell the court and jury whether the corpse was lying on its stomach or on its back?

A Mr. Chatham, as well as I remember it was still on its stomach. Now I wouldn't say for sure whether it had been turned over or not. But I think it was on its stomach.

MR. CHATHAM: We would like to now introduce these photographs, if we may. The writing has been covered up now.

THE COURT: I think the picture of the body was received in evidence this morning as an exhibit co Mr. Strickland's testimony. But the other ones had not been properly identified at the time, as I recall.

MR. CHATHAM: Then can we introduce both of these photographs now? We have had the testimony about the fan now.

MR. CARLTON: We have no objection.

THE COURT: All right. There has been no objection, and the picture of this wheel or fan will be received as Exhibit 2 to the testimony of Mr. Strickland.

(A photograph was then marked as Exhibit 2 to the testimony of Mr. Strickland by the reporter.)

(WITNESS EXCUSED)

THE COURT: We will now recess until ten o'clock tomorrow morning.

FOURTH DAY

This day, this cause having been continued for further hearing; on this the 22nd day of September, 1955, comes the District Attorney, came also the defendants, each in his own proper person and represented by counsel and announced ready to proceed herein. Whereupon, came the same jury, composed of J. A. Shaw, Jr., and eleven others, being specially sworn to try the issue. Thereupon, the cause proceeded to further trial before the Judge aforesaid, and the jury, when and where the following proceedings were had, as follows:

C. F. (CHICK) NELSON

A witness introduced for and on behalf of the State, being first duly sworn, upon his oath testified as follows:

DIRECT EXAMINATION

BY MR. SMITH:

Q Will you state your name, please, sir?

A C. F. Nelson.

Q And I believe they call you "Chick", is that right?

A Yes, Sir.

Q Mr. Nelson, what is your occupation?

A I have a furniture store for one thing.

Q And are you also manager and operator of a funeral home?

A That's right.

Q Where is the funeral home?

A At Tutwiler, Mississippi.

Q Do you hold any official position in the town of Tutwiler?

A Yes, Sir. I am Mayor.

Q You are the Mayor of the town?

A Yes, Sir.

Q Mr. Nelson, directing your attention to the last part of August, were you called upon or requested to come to Greenwood to pick up a body?

A Yes, Sir.

Q And who were you advised that the person would be that your were to pick up? What was the name?

MR. BRELAND: We object to that, Your Honor.

THE COURT: The objection is overruled.

THE WITNESS: Emmett Till.

Q And did you go or send someone to Greenwood to pick up that body?

A Yes, Sir, I did.

Q And to what funeral home did they go to pick up that body?

A The Century Funeral Hone, I think they call it.

Let's see - - that was Chester - -

Q Do you mean the funeral home of Chester Miller?

A Yes, Sir.

Q He was the operator of that funeral home?

A That's right.

Q And did they bring a body back?

A They did, Yes, Sir.

Q And after the body was brought back, what was done with it?

A We prepared it the best we could and shipped it to Chicago.

MR. BRELAND: We object to that, Your Honor.

THE COURT: The objection is overruled.

Q And you say it was shipped to Chicago?

A Yes, Sir.

Q And to which funeral home in Chicago was it shipped?
To which person or individual was it shipped, do you know?

A A. A. Rainer and Sons.

Q A. A. Rainer and Sons?

A Yes, Sir.

MR. SMITH: Your witness.

CROSS EXAMINATION

MR. BRELAND:

Q To your own personal knowledge, you didn't know the

identity of the body that was brought to your funeral home, do you?

A No, Sir.

MR. BRELAND: That is all.

(WITNESS EXCUSED.)

MAMIE BRADLEY,

A witness introduced for and on behalf of the State, being first duly sworn, upon her oath testified as follows:

DIRECT EXAMINATION

BY MR. SMITH:

Q Your name is Mamie Bradley?

A Yes, Sir.

Q Where do you live, Mamie?

A Chicago, Illinois.

Q Mamie, did you have a son, who, in his lifetime was known as Emmett Till?

A Yes, Sir.

Q How old was Emmett?

A Fourteen years of age.

Q Is his Father living today?

A No Sir. He died in the service.

Q He died in service?

A Yes, Sir.

Q Do you remember the date of his death?

A Yes, Sir; the 2nd of July, 1945.

Q Where was he when he died?

A In the European Theatre.

Q Mamie, in the first part of September, 1955, or the last part of August, were you advised that your son, Emmett Till, had been in some difficulty or trouble down here?

A Yes, Sir.

Q And who advised you of that?

A The Mother of Curtis Jones, Mrs. Willa Mae Jones

Q And how did she advise you? Was it by telephone?

A Yes, Sir.

Q Where was your son at that time?

A He was visiting my Uncle, Mose Wright, in Money, Mississippi.

Q And when did he come down here?

A He left Chicago, Illinois, on the 20th of August.

Q And I believe he was supposed to come home shortly thereafter, is that right?

A Yes, Sir. He was going to stay two weeks.

Q Now, later, after you got that information, was a

body sent to Chicago that was supposed to be the body of your son, Emmett Till?

A Yes, Sir.

Q And where was that body first seen by you?

A At the A. A. Rainer Funeral Home.

Q Did you observe the body there?

A Yes, I did.

Q And where was the body when you saw it there at the funeral home?

A The first time I saw it, it was still in the casket.

Q Did you see it later on?

A Yes, Sir. I saw it later on after it was removed from the casket and placed on a slab.

Q At the time it was still in the casket, had anything been done to the body then, if you know?

A No, Sir. The seal had never been broken the first time I saw the body.

Q When the body was placed on the slab, was anything done then? Had anything been done to the body after it was removed from the casket?

A The only change was that the body had been clothed.

Q It had some clothes on then?

A Yes, Sir.

Q Mamie, I wish you would state to the court and jury

whether you could identify the body you saw there at the funeral home as that of your son, Emmett Till?

A I positively identified the body in the casket and later on when it was on the slab as being that of my son, Emmett Louis Till.

Q Will you please tell the court and jury how you looked at it and what you did in identifying it?

A I looked at the face very carefully. I looked at the ears, and the forehead, and the hairline, and also the hair; and I looked at the nose and the lips, and the chin.

I just looked at it all over very thoroughly. And I was able to find out that it was my boy. And I knew definitely that it was my boy beyond a shadow of a doubt.

Q Mamie, when your husband, the father of Emmett Till, was killed overseas, were his effects sent to you?

A Yes, Sir, they were.

Q I will ask you if in those effects there was a ring?

A Yes, Sir, there was a ring.

Q What kind of a ring was it? What color was it?

A The ring was white, or it looked like some kind of white metal.

MR. BRELAND: Now, Your Honor. we now object to the testimony of this witness with reference to the effects, or what is purported to be the effects of her dead husband

being sent to her, without showing just who, when and how those effects were sent.

THE COURT: Yes, I believe there would have to be a prior connection on the identification of the ring, I think.

MR. SMITH: All we are trying to do, Your Honor, is to identify the ring that the boy had on.

THE COURT: You can proceed a little differently, I believe.

MR. SMITH: Yes, Sir.

Q Mamie, I will ask you if your son had a ring and frequently wore a ring that was sent along in the effects of your husband that you got?

A Yes, Sir.

MR. BRELAND: We object to that, Your Honor, for the reason that she said that the effects were sent to her that were supposed to belong to her dead husband. But it hasn't been shown in evidence anything about the identity of those effects.

THE COURT: The objection is overruled.

Q I now hand you a ring, Mamie, that has engraved on it "May 25, 1943", with the large initials "L.T.", and I ask you if that was among the effects that were sent to you which were purported to be the effects of your dead husband?

A yes, Sir.

Q What was your husband's name?

A Louis Till.

Q In other words, his initials were "L. T."?

A Yes, Sir.

Q And after you got this ring along with his effects, what happened to it?

A I kept the ring in a jewelry box, but it was much too large for the boy to wear. But since his twelfth birthday, he has worn it occasionally with the aid of scotch tape or string. He had to have something else on with it to make it fit his hand tightly enough.

But usually though it was kept in his personal jewelry box. And on the morning of September - - or of August 20th when he got ready to board the train, he was looking in his jewelry box to get some cuff links, I think it was, and when he looked in the box there, he saw this ring, and he put it on his hand, or on his finger, and he shook his hand, to make sure that it would stay on there and not fall off.

And I remember that I casually remarked to him I said, "Gee, you are getting to be quite a grown man." And then he said to me - - -

Q Now don't tell what he said. But did he then put

the ring on his finger?

A Yes, Sir.

Q And he left Chicago with it, did he?

A Yes, Sir.

Q And you definitely say that was the ring that he left there with?

A Yes, Sir.

Q And that was the ring he had when he came down here to Mississippi?

A Yes, Sir.

Q Now Mamie, I have here a picture which has been introduced in evidence as Exhibit 1 to the testimony of Mr. Strickland here in this trial. And I hand you that picture and ask you if that is a picture of your son, Emmett Till?

A Yes, Sir.

Q That is him, isn't it?

A Yes, Sir.

MR. SMITH: If the Court please, just one minute - - these pictures have never been shown to the jury, and I wonder at this point if you might let the jury look at them.

THE COURT: They can have them. They have been introduced in evidence.

(The two exhibits, Exhibits 1 and 2 to the testimony of Mr. Strickland are given to the members of the jury for examination.)

MR. SMITH: You may take the witness.

CROSS EXAMINATION

BY MR. BRELAND:

Q Mamie, where were you born?

A I was born in Webb, Mississippi.

Q You were born in Webb, Mississippi?

A Yes, Sir.

Q That is a little town just two miles south of here, is that right?

A I can't tell you the location.

Q But it is about two miles south of Sumner, isn't it?

A I don't know.

Q When did you leave Mississippi?

A At the age of two.

Q Then you have just been told that you were born in Webb, Mississippi? You don't remember, is that right?

A Yes, Sir.

Q What was your mother's name?

A Alma Carthan.

Q Was she born in Mississippi?

MR. CHATHAM: We are going to object to this, if Your Honor please. This is highly immaterial in this case, and I am sure we want to get through with this trial some time.

THE COURT: I think we are going a little far afield. But I will let the witness answer that question.

THE WITNESS: Yes, Sir.

Q Do you know who left with you when you left Mississippi?

MR. SMITH: We object to that, Your Honor. That has nothing to do with this case at all.

THE COURT: The objection is sustained.

Q When you can first remember, where were you living?

A In Argo, Illinois.

Q How far is that from Chicago?

A Approximately thirteen miles.

Q And how long did you live there at Argo, Illinois?

MR. SMITH: If the Court please, we are going to object to this line of questioning. It is highly immaterial and has nothing at all to do with this case.

THE COURT: The objection is sustained.

Q When did you move to Chicago?

MR. SMITH: We object to that, Your Honor.

THE COURT: The objection is sustained.

Q What is your age, Mamie?

A Thirty Three.

Q When your son, Emmett, left home with the intention of coming to Mississippi, when was his mind made up to come to Mississippi?

A One week previous to the day he left.

Q Did you and him talk about it?

A Yes, Sir.

Q And you discussed it together between you, did you?

A Yes, Sir.

Q And how many times did you discuss it with him?

A I probably wouldn't be able to tell you that.

Q Well, about how many times?

A Several times at least.

Q Did you go with him to the train when he left Chicago?

A Yes, Sir.

MR. SMITH: We object to that, Your Honor. That has nothing to do with this.

THE COURT: The objection is sustained.

Q Mamie, did Emmett ever have any trouble up there in Chicago? Was he ever in any trouble up in Chicago?

A No, Sir.

MR. SMITH: We object to that, Your Honor.

THE COURT: The object is sustained

Q By the way, did you have any insurance on Emmett Till?

A Yes, Sir.

MR. SMITH: We object to that, Your Honor.

THE COURT: I am going to overrule your objection to that question.

Q Did you have any life insurance on him?

A Yes, Sir.

Q How much did you have?

A About four hundred dollars straight life.

Q You had about four hundred dollars insurance on him?

A I had a ten-cent policy and a fifteen-cent policy, two weekly policies, and they equalled four hundred dollars.

Q You had two policies that equalled four hundred dollars?

A Yes, Sir.

Q How long had you had those policies out on him?

A Almost from his birth.

Q With what companies were they?

A Well, Metropolitan - - -

MR. SMITH: We object to that, Your Honor.

THE COURT: The objection is sustained.

Q To whom were those policies payable?

MR. SMITH: We object to that, Your, Honor.

THE COURT: The object is overruled.

THE WITNESS: Will you repeat the question, please?

Q To whom were those policies made payable? Who was the beneficiary in those policies?

A I was the beneficiary on one and my Mother was on the other.

Q Were they both for four hundred dollars each?

A Well, one was for a hundred and ninety three dollars, I think, and one was a little bit more. It was approximately four hundred dollars on the two of them.

Q And have you collected on those policies?

A No, Sir.

Q Have you tried to collect on them?

MR. SMITH: We object to that, Your Honor. That is highly irrelevant.

THE COURT: The objection is overruled.

Q Have you tried to collect on those policies?

A I have been waiting to receive a death certificate.

Q Have you contacted the insurance companies about the policies?

A Yes, Sir.

Q And you and your mother, both, have done that?

A Yes, Sir, together.

Q Now, Mamie, what newspapers do you subscribe to in Chicago?

MR. SMITH: We object to that, Your Honor.

THE COURT: The objection is sustained.

Q Do you read the CHICAGO DEFENDER?

MR. SMITH: We object to that, Your Honor.

THE COURT: The objection is sustained.

MR. BRELAND: Your Honor, I think this is important because I have some exhibits that I want the witness to identify.

MR. CHATHAM: If the Court please, I think it is perfectly obvious what he is trying to get at. And I think counsel should be counseled not to ask any more questions like that.

THE COURT: The objection is sustained. Now, will you gentlemen of the jury step back in the jury room a moment, please.

(The jury retired to the jury room, and the proceedings continued in the absence of the jury.)

Q Do you subscribe to the CHICAGO DEFENDER?

A No Sir, I don't subscribe to the paper, but I do buy it and read it.

Q You buy it and read it?

MR. SMITH: If the Court please, we want the record

to show that we object to all this line of questioning.

THE COURT: The jury is out of the room, and the Court has already sustained your objection.

Q Have you been reading the CHICAGO DEFENDER since the trial of this cause?

A Yes, Sir.

Q And also since the incident happened that has been referred to here?

A Yes, Sir.

Q And you have been getting it, have you?

A Yes, Sir. I read it every week, anyway.

Q And you read everything in it, do you?

A I wouldn't say the entire thing.

Q I mean, you read everything in it referring to this incident, do you?

A No, Sir. I haven't read the paper all through since I found out the child had been found dead.

Q Did you read the paper of Saturday, September 17th?

A I would have to look at it to see.

Q I will hand it to you, the paper of that edition.

(A paper is shown to the witness.)

A I haven't even seen this one, I don't think. This is the national. I might have seen the other one. You see there are two DEFENDERS. But the national, I haven't

seen.

Q These papers are edited by colored people, is that right?

A Yes, Sir.

Q I will hand you a portion of that particular paper, that edition of that particular paper, and ask you to look at the photograph and see if you have seen that?

A I have seen this picture but not in this paper. I saw a much smaller picture in another copy of the DEFENDER.

Q But is that a likeness of the picture you did see?

A Yes, Sir.

Q Have you a photograph of your son, Emmett Till, with you?

A Yes, Sir, I have.

Q And have you got it on your person?

A It is with my Father in the witness chambers.

Q When was that photograph made?

A Two days after Christmas, 1954.

Q 1954?

A Yes, Sir.

Q Did you have several of those photographs made?

A Yes, Sir.

Q And did you furnish any of those photographs to members of the press?

A Yes, Sir.

Q And that was for photographic purposes to put in the papers, is that right?

A Yes, Sir.

Q Now I hand you a paper -- this is not a Chicago paper; this is the MEMPHIS PRESS-SCIMITAR - - and I will ask you to look at that photograph in the upper left part of the paper and state whether that is a copy of that photograph you furnished the press?

A Yes, Sir. I have a copy of it with me if you would like to see it.

Q And you don't have more than one photograph of that picture with you?

A I have one copy of three different pictures.

Q You have three different pictures with you?

A Yes, Sir.

Q Have you got any more of those at home?

A Yes, Sir.

Q In other words, you could use one copy here, and you wouldn't be deprived of anything by having one copy in the record? You would still have a copy for yourself?

A Yes, Sir.

Q And you could have more copies made of those if you wanted them, is that right?

A Yes, Sir.

MR. BRELAND: If the Court please, we would like for those to be produced here at this particular hearing so that she might identify those photographs she might have with her.

MR. SMITH: We object to that, Your Honor.

THE COURT: Can you get the photographs?

THE WITNESS: Yes, Sir. My Father has them in the witness room.

MR. SMITH: What is your Father's name?

THE WITNESS: John Carthan. And he has the pictures with him. They are in this coat.

MR. BRELAND: Tell them to bring John Carthan to the courtroom and to bring his coat with him.

(After a short period, an envelope is produced and handed to the witness on the stand.)

Q Mamie, will you take out those photographs that are in that envelope?

A Yes, Sir. (Three photographs are given to Mr. Breland by the witness.)

Q Mamie, you have presented to counsel for the defendants what purports to be three separate photographs of your son, one of which has a woman in it taken with him. Is that you?

A Yes, Sir.

Q Can you tell the court and jury the last one of the photographs made, if they were made at different times?

A All of these pictures were made on the very same day.

Q They were all made on the same day?

A Yes, Sir. As a matter of fact, there was one more picture made at the time, and I believe it is one where a picture was taken where he was lying across the bed and looking this way, but unfortunately, I do not have one of those with me.

Q Mamie, I hand you now what purports to be a photograph of some person. Will you state whose photograph that is?

A That is a photograph of Emmett Louis Till.

Q That is your son?

A Yes, Sir.

MR. BRELAND: We would like to have that marked as an exhibit for identification, please.

THE COURT: All right.

(A photograph is marked as Exhibit I to the testimony of Mamie Bradley for identification by the reporter.)

Q Mamie, I believe you stated that the photograph on the front page of that PRESS-SCIMITAR, in the upper-

left-hand corner of those photographs, of the group of photographs there, that it is a photograph of your son?

A Yes, Sir.

Q Was that a picture that as made from one of the photographs that you have testified about?

A Not one of these three that I have shown you.

Q But it was one taken at the same time?

A Yes, Sir.

MR: BRELAND: This is on the front page of the edition of the MEMPHIS PRESS-SCIMITAR of Thursday, September 15th, 1955; and we offer that photograph in the upper left-hand corner on that front page of that paper as Exhibit 2, for purposes of identification by this witness.

THE COURT: All right.

(A photograph is marked as Exhibit 2 to the testimony of Mamie Bradley for identification by the reporter.)

Q Mamie, I hand you a paper, being page 19 of the CHICAGO DEFENDER, on the date of September 17th, 1955, which has purports to be a photograph of some person.

Will you look at that and state whether or not that is also a photograph of Emmett Till or the person who was shipped back to Chicago that you saw at the funeral home there?

A This is a picture of Emmett Louis Till as I saw it

at the funeral home.

Q That is a picture of the body as you saw it in the funeral home in Chicago, Illinois?

A Yes, Sir.

Q And being the picture of the same body which you then identified as Emmett Till?

A Yes, Sir.

Q And which you now identify as that of Emmett Till, is that right?

A Yes, Sir.

MR. BRELAND: Now, if Your Honor please, we ask that this be marked as Exhibit 3 to the testimony of this witness for the purposes of identification.

THE COURT: All right.

(A photograph is marked as Exhibit 3 to the testimony of Mamie Bradley for identification by the reporter.)

Q Mamie, do you state to the Court that the photographs which you now have identified as Exhibit 1 to your testimony for purposes of identification, and the photograph which you identified in the PRESS-SCIMITAR as Exhibit 2 to your testimony for purposes of identification, and the photograph in the CHICAGO DEFENDER, under date of September 17th, 1955, as Exhibit 3 to your testimony for purposes of identification, are a likeness of those photographs

of those scenes? And do you state that they are true pictures of the scenes you saw?

A Yes, Sir.

THE COURT: Have you finished with your examinations?

MR. BRELAND: I believe we have, Your Honor. And we submit that these are proper at this time.

THE COURT: Have you finished with your examination of this witness outside the hearing of the jury?

MR. BRELAND: Yes, Sir.

MR. SMITH: Your Honor, we think this is highly incompetent, this whole part of the case. And as far as the pictures being introduced here, nothing has been shown as to the way they were taken or the manner in which they were taken, and nothing of that kind has been shown or proved. No one has testified to the competency of the photographs. And we say that they are highly incompetent.

THE COURT: With reference to that, I believe the witness testified that the pictures taken - - that one of them is a picture of her son that was taken shortly after Christmas, and I believe the witness testified that it is a true likeness of her son during his lifetime.

And she also testified that the picture taken

in Chicago after his death portrays a true picture of what what she saw there at that time.

Now, the Court is going to admit these pictures in evidence - - that is, one picture there that she produced, so that the jury may see the likeness of Emmett Till during his lifetime.

And the Court is going to let be introduced in evidence the picture made in Chicago after his death. It will be cut from the paper, and the paper itself will not be any part of the exhibit.

And another thing, there will be no reference to any newspapers to which this witness may subscribe in Chicago, or any reference to what she may read. And there will be no reference or anything said about any newspapers or pictures other than this picture which she has identified as being a picture of her son taken after his death as she saw it there in Chicago. That picture will be permitted.

And there will be no reference to any other pictures or newspapers, or any reference as to what this witness may have read or subscribed to whatsoever. These pictures that the Court is permitting to be introduced in evidence are for the benefit of the jury, so that they may see a likeness of Emmett Till during this lifetime, and

also a likeness of his body, as the witness stated, as she saw it in Chicago after the body was returned to Chicago.

MR. BRELAND: There is one other thing, Your Honor, that I think we ought to go into before the jury returns, and I think possibly there might be some objection to it.

THE COURT: Well, whatever you have for this witness of that nature, then let's get it out while the jury is still out.

MR. BRELAND: All right. Sir.

Q Mamie, you said that you discussed your son's trip down to Mississippi several times with him before he left your home in Chicago, is that correct?

A Yes, Sir.

Q Did you caution him how to conduct himself and behave himself while he was down here in Mississippi before he left there?

A Yes, Sir.

Q Now, you have quoted in the press - - I don't know whether you said it or not, but the press report shows it in quotations that you are supposed to have made, in these words, now listen carefully, and says: "I told him several times before he left for Mississippi that he should kneel in the street and beg forgiveness if he ever insulted a white man or white woman." Now, did you tell him that?

A Not those exact words.

Q Well, what did you tell him?

A I will give you a liberal description of what I told him. I told him when he was coming down here that he would have to adapt himself to a new way of life. And I told him to be very careful about how he spoke and to whom he spoke, and to always remember to say "Yes, Sir" and "No, Ma'am" at all times.

And I told him that if ever an incident should arise where there would be any trouble of any kind with white people, then if it got to a point where he even had to get down on his knees before them, well, I told him not to hesitate to do so. Like, if he bumped into somebody on the street, well, and then they might get belligerent or something, well, I told him to go ahead and humble himself so as not to get into any trouble of any kind. And I told him to be very careful how he walked in the streets at all times.

Q And did you direct his attention as to how to act around white people, and how to conduct himself about a white man? The paper says that you cautioned him about his behaviour before any white men. Did you call his attention to that?

A Yes, Sir.

Q And did you specifically indicate to him and caution him not to do anything to any white man so as not to bring on any trouble?

A Yes, Sir.

Q And from the newspaper quotation, the newspaper report says that you did that several times, is that true?

A I did. I impressed it on him very carefully as to how he should act while he was down here.

Q He had been in Mississippi before, had he?

A Yes, Sir.

Q And he had visited here close to Sumner before?

A Yes, Sir, with that same uncle.

Q And that was after he got to be a big boy, was it?

A I think he was about nine years old then.

Q And those are the only two times that he has been in Mississippi, so far as you know?

A No, Sir. He came down here once when an infant, about fifteen months old, maybe something like that. I know he was a small baby.

And then I think he came down here again while he was very small, maybe four or five years old. And then he was down here when he was about nine, and then this last trip.

Q And did you caution him in those conversations you

had with him not to insult any white women?

A I didn't specifically say white women. But I said about the white people. And I cautioned him not to get in a fight with any white boys. And I told him that, because, naturally living in Chicago, he wouldn't know just how to act maybe.

Q Prior to his coming down to Mississippi, and prior to his leaving Chicago, while he was living there in Chicago, had he been doing anything to cause you to give him that special instruction?

A No, Sir. Emmett has never been in any trouble at any time.

Q And he has never been in a reform school?

A No Sir.

Q And he never had any trouble in any way with any white people?

A No, Sir.

Q I believe you live on the south side in Chicago, is that right?

A Yes, Sir, on the south side.

Q And that is the part of Chicago referred to as the black belt, is that right?

A Yes, Sir.

Q And the people in the community, are they all

colored people or white people?

A There are a few white people living there.

Q And they have their homes there, is that right?

A Yes, Sir.

THE COURT: Now is that all?

MR. BRELAND: Yes, Sir.

THE COURT: Now the objections to all that testimony will be sustained, and there will be no questions along that line whatsoever. And since the Court has ruled on the pictures, the objection to all the testimony is sustained. And there will be no further reference to it, and there will be no questions asked concerning that after the jury comes in.

(The jury returned to the courtroom, and the proceedings continued with the jury present.)

Q This is Mamie Bradley, is that right?

A Yes, Sir.

Q And you are the Mother of Emmett Till?

A Yes, Sir.

Q And you live at Chicago, Illinois, is that right?

A Yes, Sir.

Q And you live on the south side of Chicago, is that right?

A Yes, Sir.

Q And did your son, Emmett Till, leave your home there in Chicago at any time to come to Mississippi in the month of August?

A Yes, Sir.

THE COURT: I think all that was in, Mr. Breland, before the jury retired. But you may proceed with the examination.

Q And your son did leave your home in Chicago with the expectation of coming to Mississippi, is that right?

A Yes, Sir.

Q And you didn't come with him?

A No, Sir.

Q Now, I hand you what purports to be a photograph of your son. Is that a photograph of your son?

A Yes, Sir.

Q And that is a true and correct photograph of your son at the time it was taken?

A Yes, Sir.

Q And when was that picture taken?

A This was made in my home two days after Christmas of 1954.

Q Right after Christmas of 1954?

A Yes, Sir. It was on about the 27th of December.

MR. BRELAND: We now ask that this photograph be identified which has already been marked as Exhibit 1 to the

testimony of this witness for the purpose of identification.

Q Now I will hand you what purports to be another Photograph. Will you look at it and tell the court and jury what this is?

A This is a picture of my son after he was sent back to Chicago dead. This is the way I saw him the second time. He had his clothes put on his body then. When I saw him the first time, he didn't have any clothes.

Q And how much time elapsed from the time you first saw him without clothes until you saw him in the likeness of that photograph there?

A I saw the one with his clothes on and without the clothes on the same day. Perhaps a half an hour or an hour had elapsed. I am not clear on that.

Q And was the first view you had of your son there before the clothes were put on the body a likeness of the photograph shown here? That is, was it like the picture shown in that photograph?

A The face, Yes, Sir.

Q And everything was the same except that clothes had been put on the body the second time you saw him, is that right? That is, it was the same as it was when you saw him the first time when he had no clothes on, is that right?

A No, Sir. The first time I saw him, he had a hole in

his head up here (indicating with her hand), and that was open. And he had another scar. I can't tell you exactly where it was. It was either over the right eye or the left eye. I can't remember just now.

And he had a gash in his jaw, and his mouth was open and the tongue was out. That is the first time when I saw him without his clothes on. But from this picture here, it seems like his mouth has been closed, and that gash was sewn up, and that place in his forehead up there has been closed up. That is the way it looks to me.

Q Then the photograph there is a better picture of him than the way it was when you first saw him, is that right?

A Yes, Sir.

MR. BRELAND: This is the photograph that we asked to be marked as Exhibit to the testimony of this witness for purposes of identification. You may take the witness.

MR. SMITH: That is all, if the Court please.

(WITNESS EXCUSED.)

WILLIE REED

A witness introduced for and on behalf of the State, being first duly sworn, upon his oath testified as follows:

DIRECT EXAMINATION

BY MR. SMITH:

Q Your name is Willie Reed?

A Yes, Sir.

Q where do you live, Willie?

A I live on Mr. Clint Sheridan's,

Q You live on Mr. Clint Sheridan's place?

A Yes, Sir.

Q How old are you, Willie?

A Eighteen.

Q Do you know Mr. Leslie Milam?

A Yes, Sir.

Q Do you know Mr. J. W. Milam when you see him?

A Yes, Sir.

Q Do you see him here in the courtroom?

A Yes, Sir.

Q Will you point him out, please, sir?

A He is sitting right over there (pointing with his hand).

Q The man, I believe, that you pointed out, is the bald-headed man, is that right?

A Yes, Sir.

Q Now, Willie, going back to Sunday, the 28th of August of this year, did you see Mr. J. W. Milam at any time during that day?

A Yes, Sir.

Q Where did you see Mr. Milam?

A I seen him - - when I seen him he was coming to the well.

Q What well?

A The well from the barn over on Mr. Milam's place.

Q You saw him coming to a well, is that right?

A Yes, Sir.

Q And on whose place was that well?

A It was on the place that Mr. Milam owned.

Q Do you mean Mr. Leslie Milam?

A Yes, Sir.

Q Does Mr. Leslie Milam operate the place that the well is on where you saw Mr. J. W. Milam that morning?

A Yes, Sir.

Q What is the relationship between Mr. Leslie Milam and Mr. J. W. Milam?

A Well, I heard some say he was a brother.

MR. BRELAND: We object to what he heard.

THE COURT: If he knows he can testify to that.

Q Do you know whether they are - - well, do you know what relation they are to each other, whether they are cousins or brothers? That is, if you know?

A No, Sir, I don't know.

Q Where do you live k, Willie? Who do you live with?

A Mr. Clint Sheridan.

Q I mean who is in your home there with you?

A My grandfather.

Q What is his name?

A Add Reed.

Q On that particular Sunday morning, did you leave your home there where you are living?

A Yes, Sir.

Q And about - - approximately what time did you leave?

A Between six and seven.

Q And where were you going?

A To the store.

Q To what store?

A Mr. Glenn Patterson's.

Q You were going to Mr. Glenn Patterson's store?

A Yes, Sir.

Q Which direction is that store from where you live?

A North.

Q And in going co that store, state whether or not

it is necessary for you to pass by Mr. Leslie Milam's house?

MR. BRELAND: We object to the leading form of the questions.

THE COURT: The question is leading. See if you can ask him without leading the witness.

Q In going from your house to the score, what place do you have to pass by?

A I pass by Mr. Milam's.

Q Then Mr. Milam lives out there, does he?

A Yes, Sir.

Q That is Mr. Leslie Milam, is that right?

A Yes, Sir.

Q And not Mr. J. W. Milam?

A No, Sir.

Q Is there any shed, or barn or other building on the place there?

A Yes, Sir.

Q What kind of a building was that?

A Green.

Q Well, what kind of a building was it? Will you tell the jury what kind of a building it was?

A It was a barn.

Q A barn?

A Yes, Sir.

Q Did it have any open sheds, or was there a door, or what?

A Yes, Sir, it had some doors there.

Q Now, Willie, as you went from your house to the store that morning, did you see anyone in or around or about Mr. Leslie Milam's house, or in the road going towards the house?

A No, sir.

Q As you came up towards Mr. Milam's house, did you see anyone out there?

A I didn't see anyone out around the barn. But I seen the truck when it passed by me.

Q A truck passed by you?

A Yes, Sir.

Q What kind of a truck was it?

A Green and white.

Q It was green where and white where? How was it colored?

A The top was white.

Q And what was green?

A The body was green.

Q It was a truck with the body green and a top white, is that it?

A Yes, Sir.

Q And what kind of truck was that?

A It was a '55 Chevrolet.

Q And who, if anyone, was in that truck that you saw?

A Well, when the truck passed by me I seen four white mens in the cab and three colored mens in the back. And I seen somebody sitting down in the truck back there.

Q You say you saw some white men in the cab?

A Yes, Sir.

Q And you also saw three colored men in the back there, in the back end?

A Yes, Sir.

Q And you say there was somebody down in the back end of the truck?

A Yes, Sir. I seen another colored boy.

Q There was one colored fellow sitting down on the bottom of the truck in the back, is that right?

A Yes, Sir.

Q And how were those colored men sitting in the truck?

A Well, they was - - they had the back turned to me, sitting up in the truck there. And the other one was down in the truck.

Q Were they sitting up on the sides in the back?

A Yes, Sir.

Q And the other one was sitting down in the bottom of the truck, is that right?

A Yes, Sir.

Q How close did you get to that truck?

A I was about as far as from here to the door back there (pointing with his hand).

Q Well, how far would you say that was? Would that be fifty feet?

A It may be. I don't know.

Q Did you have an opportunity there when you saw this truck to look at these people and see their features and so forth?

A No, Sir. I wasn't thinking nothing like that was going to happen.

Q You did see the people there, though, did you?

A No, Sir.

Q Well, I believe you said you saw the people in the truck, didn't you?

A Yes, Sir.

Q Now, later on did you recognize a photograph or anything that indicated to you who the one sitting down in the back end of that truck was?

A Well, when I looked at this paper, I was sure - - well, I seen it, and it seemed like I seen this boy someplace else before. And I looked at it and tried to

remember, and then it come back to my memory that this was the same one I seen in the paper.

Q And was that Emmett Till?

A I don't know if that was him, but the picture favored him.

MR. BRELAND: We object to that, Your Honor.

THE COURT: The objection is sustained unless it is connected, of course.

Q Now, did the picture you saw in the paper of Emmett Till - -

MR. BRELAND: We object, Your Honor. That is certainly leading the witness.

THE COURT: It is highly leading.

Q Do you know who that was in the back end of the truck sitting down back there?

A No, Sir. But the boy that was sitting in the back of the truck favored the boy that I seen in the paper.

MR. BRELAND: We object to that, Your Honor.

THE COURT: The objection is sustained.

MR. SMITH: I think it is highly competent.

THE COURT: There are a lot of things I think is wrong with that identification. And I think we are delving in the realm of hearsay there.

Q What did you do after you saw that truck come in there?

A Well, I come on by the barn.

Q When you came by the barn, did you hear or see anything there at that time?

A I heard something.

Q And what did you hear?

A It was like somebody shipping somebody.

MR. BRELAND: We object to that.

THE COURT: The objection is sustained.

Q Willie, I have a picture here that has been offered as Exhibit 1. to the testimony of Mrs. Mamie Bradley for purposes of identification - - -

MR. BRELAND: We object, Your Honor. That is not in evidence here.

THE COURT: It has been offered or introduced for purposes of identification, and it may be used as such.

Q Now I ask you to look at that picture, and I ask you whether or not, does that or does that not resemble the person you saw sitting there in the back of that truck on that particular day?

MR. BRELAND: We object, Your Honor.

THE COURT: The objection is sustained.

Q Is that the boy you saw in the back of that truck?

MR. BRELAND: We object.

THE COURT: The objection is sustained. But you can

him if he had ever seen that boy before.

Q Have you ever seen that boy before?

A It is a picture of the boy I seen on the back of the truck.

MR. BRELAND: If the Court please, we object co that because he hasn't identified the person he saw, and he didn't even know him. And we don't think the witness has been qualified to answer that particular question.

THE COURT: I believe the witness has stated that the picture here which has been offered for identification purposes as a picture of Emmett Till during his lifetime is the boy that he saw in the back of the truck that morning.

Q Now what happened with that truck? What did they do with the truck, Willie?

A The truck was setting in front of the barn there when I went on up to the next house, up to Miss Mandy's house. And I asked her - - -

MR. BRELAND: We object to that, Your Honor.

THE COURT: Don't repeat anything you said to anybody or anything that was said to you by anybody.

Q As you passed the barn, I believe you said the truck was setting out in front of the barn, is that right?

A Yes, Sir.

Q Was anyone in the truck then?

A No, Sir.

Q Did you see anyone in or about the barn?

A No, Sir.

Q Did you hear or see anything as you went by the barn?

A Yes, Sir. I heard.

MR. BRELAND: We object to what he heard.

THE COURT: The objection is sustained.

MR. SMITH: Just for my guidance, Your Honor, I would like to know the ground for his objection.

THE COURT: As far as I can see, these defendants have not been connected with the incident in any way.

Q Now, later on in the morning, did you see Mr. J. W. Milam out there?

A Yes, Sir.

Q Where did you see him?

A Well, when I passed by he came out by the barn to the well.

Q and was that Mr. J. W. Milam, the man who is sitting over there (pointing to the defendant, Mr. Milam)?

A Yes, Sir.

Q Will you state whether he had anything unusual on about his person?

A Yes, Sir.

Q What did he have?

A He had on a gun.

Q Was it a pistol, a rifle, or a shotgun?

A He had on a pistol. He had it on his belt.

Q And what did Mr. J. W. Milam do when you saw him?

A He just came to the well and got a drink of water.

Q What did he do then?

A Then he went back to the barn.

Q And as you passed the barn, did you hear or see anything?

MR. BRELAND: We object, Your Honor.

MR. SMITH: If Your Honor please, I believe we have got the defendant right there, going in and out of the barn.

THE COURT: I don't think it has been connected sufficiently, Mr. Smith.

Q Just where did Mr. Milam come from when you saw him that morning?

A He came from the barn.

Q And where did he go when he left there? After he got a drink of water and left the well, where did he go then?

A He went back to the barn.

Q Did you hear or see anything as you passed the barn?

MR. CARLTON: We object, Your Honor.

THE COURT: I think he has got it straight now. I will overrule the objection.

Q Did you see or hear anything as you passed the barn?

A I heard somebody hollering, and I heard some licks like somebody was whipping somebody.

Q You heard some licks, and you also heard somebody hollering, is that right?

A Yes, Sir.

Q What was that person hollering?

A He was just hollering, "Oh."

Q You heard someone hollering "Oh", is that right?

A Yes, Sir.

Q Did they holler once or was it more than once, or was it two or three times, or what?

A They hollered more than once.

Q And what about the licks? Was it just one lick you heard, or was it two, or were there several licks?

A There was a whole lot of them.

Q You heard a whole lot of licks?

A Yes, Sir.

Q And was that a human being you heard or was it some kind of animal?

A Well, it sounded like a human being.

Q When you went on down the road, then where did you go, Willie?

A Well, I went on down and stopped there at Miss Mandy's

home.

Q And that was Mandy who?

A Bradley.

Q What did you do then?

A Well, she told me to come back to the well.

MR. BRELAND: We object to any conversation there,

Your Honor.

THE COURT: Don't state what anybody said.

Q All right, Willie, where did you go then?

A To the store.

Q And after you left Mandy's house the first time
where did you go?

A I came to the well.

Q You came to the well?

A Yes, Sir.

Q And what did you come to the well for?

A I came to get her a bucket of water.

Q And did you hear or see anything while you were down
there at the well?

A I could still hear somebody hollering.

MR. CARLTON: We object to that, Your Honor.

THE COURT: I think the objection is well taken.

Q Where did the hollering apparently come from?

A From the barn.

Q And where did you go after you left the well?

A I went to the store.

Q And then what did you do?

A I don't understand what you are talking about now.

Q I said, what did you do after you went to the store?

A I came back home and got ready and then I went to Sunday School.

Q And on your way back from the store, did you see or hear anything then?

A No, Sir.

MR. BRELAND: We object to this repetition. He has asked that one time before.

THE COURT: I will let him answer the question.

Q On the way back, did you hear or see anything, or hear or see anybody?

A No, Sir, I didn't see anything. They were gone.

Q Was the truck gone?

A Yes, Sir.

MR. SMITH: Take the witness.

MR. BRELAND: I want to make a motion, Your Honor. And we don't ask that the jury retire at this time. But the defendants move to exclude the testimony offered by this witness, for the first reason that there is no sufficient connection between what he relates from the witness stand

and these two defendants.

And second, that there has been no sufficient identification by this witness of Emmett Till, the party named in the indictment.

And third, there is no sufficient connection between the happenings or occurrences related by the witness and the body of the person that was taken from the Tallahatchie River which was alleged to be that of Emmett Till.

THE COURT: That motion will be overruled.

MR. SMITH: One further question, if the Court please.

Q Willie, do you remember what Sunday that was?

A Yes, Sir.

Q What was it?

A Do I remember what Sunday it was?

Q Yes.

A It was on the fourth Sunday.

Q On the fourth Sunday of what month?

A Of August.

Q August of this year?

A Yes, Sir.

MR. SMITH: Take the witness.

CROSS EXAMINATION

BY MR. KELLUM:

Q I believe you stated your name is Willie Reed?

A Yes, Sir.

Q How old are you, Willie?

A Eighteen.

Q Are you going to school now, Willie?

A Yes, Sir.

Q What grade are you in?

A Ninth.

Q You are in the ninth grade?

A Yes, Sir.

Q On August 28th, when you say you saw this truck, was that the first time you had ever seen this truck?

A Yes, Sir, it was the first time I ever seen it.

Q That was the first time you ever seen it?

A Yes, Sir.

Q How far do you live from Glendora and Money?

A I wouldn't know, Sir. I live a good ways.

Q Do you know Mr. Leslie Milam?

A Yes, Sir.

Q And do you know Mr. J. W. Milam?

A Yes, Sir, I know him.

Q How many times have you seen Mr. J. W. Milam before

Sunday, that last Sunday in August, of this year?

A I seen him about three or four times.

Q You saw Mr. J. W. Milam about three or four times before that?

A Yes, Sir.

Q And where did you see him?

A Well, I seen him once when he came over to Mr. Milam's.

Q When you first saw the truck on that Sunday morning, which direction was the truck going in?

A It was coming south, and then it turned and went north.

Q Which direction were you going?

A I was going east, and then I turned and went north.

Q When the truck passed you, how far were you from the truck?

A About as far as from here to the door (pointing with his hand).

Q You say you were as far as from here to that door?

A Yes, Sir.

Q Was the side of the truck that has the driver in it the side that was close to you?

A Yes, Sir.

Q And who was driving the truck?

A I didn't pay much attention who was driving the truck.

Q Was Mr. J. W. Milam driving the truck?

A I didn't notice who was driving. I didn't pay attention.

Q Did you see Mr. Milam there in the truck?

A I didn't see him in the truck but I seen him over by the barn.

Q But you didn't see him in the truck?

A No, Sir.

Q Have you ever seen Emmett Till in his lifetime?

A Well, Sunday morning was the first time I seen him.

Q But you never had seen him prior to that time?

A No, Sir.

Q And you don't know whether that was Emmett Till or not, do you?

A Well, he favored the picture I just looked at.

Q When was the first time that picture was shown to you?

A The first time the picture was showed to me?

Q Yes.

A Well, I seen it in the paper.

MR. BRELAND: We object to any picture he saw in the

paper.

THE COURT: The witness is answering in response to the gentleman's question.

Q And you say you had never seen this boy before?

A No, Sir.

Q How far were you from the truck when the truck passed by?

A About as far as from here to the door (pointing with his hand).

Q And that truck was coming from what direction?

A It was coming from the east, headed towards the south, and then it turned.

Q Is that a straight road there?

A Yes, Sir.

Q There is no bend in the road at all?

A Yes, Sir, there is a bend in the road, and when the truck got to the bend, then it turned off on that little old hill and went north.

Q Is that a paved road or dirt road?

A It was a gravel road.

Q How fast would you say the truck was going?

A I wouldn't know, Sir.

Q Was it going fast enough to stir up any dust?

A It had dust, but I don't know how fast he was

driving.

Q And you were walking in the same direction that the truck was going?

A I was meeting the truck and then it turned right off there at the hill where I was supposed to go down the hill, too.

Q When the truck turned, it was going in which direction then?

A North.

Q And on what side of that road were you walking?

A I was on the right-hand side.

Q You were on the right-hand side?

A I was going down the hill.

Q And you were on the same side that the driver of the truck was on?

A Yes, Sir.

Q And how many men were in that truck?

A Four.

Q Four men?

A Yes, Sir.

Q And did you recognize that Mr. Milam was in the truck there as one of the four men you saw?

A I didn't pay too much attention to them inside the truck. I just looked at the ones in the back.

Q But you didn't pay any attention to the men who were inside the truck?

A No, Sir.

Q Then you wouldn't say that Mr. Milam was inside the truck?

A No, Sir, I wouldn't say that.

Q And on the back of the truck, you remember seeing one person that you say was Emmett Till?

A Yes, Sir.

Q And who was the other person on the back of the truck with Emmett Till?

A I never had seen them before.

Q Do you know who the third party was in the back of the truck?

A No, Sir.

Q Where they about the same size as Emmett Till?

A No, Sir.

Q Well, were they larger or smaller?

A Larger than he was.

Q Were these three parties sitting on the back of the truck there, were they on the side of the truck or down on the floor of the truck?

A They was sitting up on the side of the truck.

Q All three of them?

A Three of them was and one was sitting in the floor of the truck.

Q One was sitting in the floor of the truck?

A Yes, Sir.

Q Now, on which side of the truck were those three sitting who you say were on the side of the truck? Were they on the right-hand side or the left-hand side of the truck?

A They was sitting on the driver's side.

Q Were they on the same side that you were on, since you say you were walking on the driver's side when the truck passed you?

A Yes, Sir.

Q Were they sitting close together?

A Yes, Sir, sitting pretty close together.

Q They were pretty close together, were they?

A Yes, Sir.

Q But Till was on the floor, or the third party you thought was Till was on the floor, is that right?

A Yes, Sir.

Q Now, the side of that truck is about a foot or eighteen inches high from the floor, is it not?

A I wouldn't know how high.

Q You wouldn't know how high the side of the truck is?

A No, Sir.

Q And yet when the truck passed by you, and you say there were two men sitting on the side of it, you were able to notice the third party that was sitting in the floor of the truck?

A There were three men sitting up on the side of the truck.

Q How many men were sitting on the side?

A Three.

Q Then you saw three men on the side of the truck, and there was one on the floor, which makes four men in the back of the truck is that right?

A Yes, Sir.

Q This fourth person you say you saw there, have you been able to recognize him since that day?

A I don't understand.

Q The fourth man you mentioned there, have you seen him since that time?

MR. SMITH: If the Court please, anyone of them could be the fourth man. I wish you would have him identify him.

THE COURT: Yes - - will you have him identify any one of them Mr. Kellum.

Q Willie, how far do you live from this barn or shed that you mentioned?

A I don't know, but I don't live too far down.

Q Would you say you lived a quarter of a mile away or a half a mile?

A I just wouldn't know how far.

Q When you passed by this shed or barn, how far were you from the barn?

A Well, I wouldn't know, Sir, just how far I was from the barn. But I wasn't too far from it.

Q Well, how many steps would it be from this spot where you passed by the barn over to the barn?

A I wouldn't know, Sir.

Q Well, would you say it was a hundred yards?

A I just wouldn't know how far it was.

Q You don't know how far it was?

A No, Sir.

Q When you first saw this person that you thought was Mr. Milam, then how far from him were you?

MR. CHATHAM: We object to the use of the word "thought".

THE COURT: I think it would be better to ask the question about the person that he testified to was Mr. Milam.

Q This person that you testified to was Mr. Milam, he was how far from you when you first saw him?

A I wouldn't say how far because I wouldn't know.

Q Then you don't know whether you were one hundred yards away, or two hundred yards, or five hundred yards away from him?

A No, Sir.

Q Just what attracted your attention there for you to notice him at all?

A Sir?

Q What made you notice him at all?

A Well, I don't understand what you are talking about.

Q Was it a usual thing for people to go out to the well and get water to drink?

A Yes, Sir.

Q And was this person you identified as Mr. Milam at the well?

A Yes, Sir.

Q And at that time you were on the road, is that right?

A Yes, Sir.

Q How far is that well from the road?

A oh, it is just - - you see, I had passed the well. The road is right by the well, but I was going down the road then.

Q You had already passed the well?

A Yes, Sir.

Q And then, I suppose, you turned around and looked to see this person that you identified as Mr. Milam going to the well, is that it?

A Yes, Sir.

Q How far were you beyond the well when you turned around?

A I wouldn't know, Sir.

Q Well, what caused you to turn around and look towards the well?

A Well, I just looked back there, and I seen him when he came to the well.

Q Now, Willie, you discussed this matter with two or three lawyers over across the street in the law office over there yesterday or two days before, isn't that right?

A Yesterday.

Q And did you tell the lawyers at that time that it was at least three hundred yards away?

MR. SMITH: We object to that unless you state who it was.

Q Do you remember that I was in the room at the time?

A Yes, Sir.

Q And do you remember that this gentleman here was in the room (indicating one of the defense counsel)?

A Yes, Sir.

Q And do you recall that this gentleman here was in the room then (indicating another defense counsel)?

A Yes, Sir.

Q And do you remember these two gentlemen here (indicating two other defense counsel)?

A Yes, Sir.

Q And you were there talking to all of us, were you not?

A Yes, Sir.

Q And do you remember when this gentleman here (indicating one of the counsel) asked you how far it was from the well to where you were, and you replied that it was at least four hundred yards?

A Yes, Sir, I said that.

Q You said that, did you?

A Yes, Sir.

Q Well, then how far was it to the well from the barn?

A The well wasn't too far from the barn.

Q Was the well as far from the barn as you were from the well?

A Yes, Sir.

Q And I believe you stated you heard something that sounded like licks there in the barn?

A Yes, Sir.

Q But you didn't see anybody in the barn at all, did you?

A No, sir.

Q And you don't know whether that was somebody hammering there, trying to fix a wagon or a car, or something like that, do you?

A It was somebody whipping somebody.

MR. BRELAND: We object to the conclusion of the witness.

THE COURT: The objection is sustained. But you will have to be careful in objecting to answers to your own counsel's questions.

Q And you don't know what caused the noise there, and you couldn't see, could you?

A No, sir.

Q And you don't know who was in the barn because you never did look into the barn, did you?

A No, Sir.

Q And you don't know whether Mr. Milam was in the barn or not, do you?

A I seen Mr. "J. W." when he left the barn.

Q But you didn't see him in the barn, did you?

A No, Sir. But I seen him when he left the barn and went to the well, and then I seen him when he went back

towards it.

Q But you don't know whether he went in the barn or behind the barn, do you?

A No, Sir. He was headed straight to the front of the barn.

Q And also, if all of the people on the truck were in the barn, then that would make eight, is that right?

A Yes, Sir.

Q That is, four white men and four colored men?

A Yes, Sir.

Q And you weren't able to understand anything that was said in the barn at all?

A No, Sir.

Q Did you report this to anybody after you left there that day?

A Well, I was talking with the grandfather.

Q You talked to your grandfather about it?

A Yes, Sir.

Q But you had never seen either of the men other than Till and Mr. J.W. Milam before?

A No, Sir.

Q And even though the truck passed you, and you were on the right side of the truck, facing the truck you say you saw three men sitting up on the side of the truck in the

back of it, is that right?

A Yes, Sir.

Q And you were still able to recognize a person sitting down in the bottom of the truck?

A Yes, Sir, because he was sitting with his back to the cab and his face was facing me because he passed right by me. And I could see his face.

Q Willie, when this truck passed you, it was going in one direction and you were going in the opposite direction, isn't that correct?

A Yes, Sir.

Q In other words, you were meeting the truck as it was coming towards you, is that right?

A Yes, Sir.

Q Did you not make the statement in this law office the day before, yesterday, or yesterday, that when the truck passed you, it was going real fast?

A It was going real fast when I first seen it. It was coming down the main road then. But when he got to the hill, there where he was supposed to turn off, then he checked up on the speed.

Q How far were you from the hill?

A I wouldn't know, but about as far as from here to the door.

MR. KELLUM: That is all.

REDIRECT EXAMINATION

BY MR. SMITH:

Q Willie, you testified that these five lawyers had you over here in the office across the street yesterday, and that you made the statement to them that you saw Mr. J.W. Milam come out to the well, and that you were about three hundred or four hundred yards away.

Now, did you put that estimate on the distance, or did these lawyers ask you if it was three or four hundred yards away?

A Well, they asked me how far it was, and I told them that I didn't know, but I reckon it was about four hundred yards maybe.

Q Have you ever been in the barn or shed there?

A Yes, Sir. I once been in there.

Q You have?

A Yes, Sir.

Q Who has control of that barn or shed? Whose place is it on?

A I wouldn't know, Sir.

Q Well, who operates the place there? Who lives there next to the barn?

A Mr. Leslie Milam.

Q How far is it from the barn or shed - - whichever one it is - - to Mr. Leslie Milam's house?

A Well, I really wouldn't know.

Q Can you point out something, anything here that you can point out, to show us the distance from the house to the barn?

A Well, about as far as from here to the outside there (pointing with his hand).

Q As far as from here to the outside over there?

A Yes, Sir.

Q And what would you say that is? Would you say that is fifty, sixty or seventy yards?

MR. BRELAND: We object to his leading the witness.

THE COURT: The objection is overruled. The witness may answer if he knows.

Q Well, is it fifty, sixty or seventy yards? Would you say it was something like that?

MR. BRELAND: We object to the leading form of the question.

THE COURT: The objection is overruled.

Q Willie, will you tell us, was it fifty, sixty or seventy yards away, or just how far was it? That is, what distance is it that you have pointed out to us there?

A I just really wouldn't know.

Q In other words, you wouldn't know how to put the yardage on it, is that right?

A Yes, Sir.

Q Now, I want to ask you, as you testified awhile ago that you saw a man that you identified as Mr. J.W. Milam come out of the barn and go to the well, and then go back towards the barn, did you see him before you heard some noise in the barn and some hollering in there, or was it after you heard that?

A After I heard it.

Q You saw him there after you heard it, is that right?

A Yes, Sir.

MR. SMITH: That is all.

MR. BRELAND: That is all, Your Honor. But I would like to ask that the jury be retired as we would like to make a motion.

THE COURT: All right, Sir. The jury will step back into the jury room.

(The jury retired to the jury room, and the proceedings continued in the absence of the jury.)

(WITNESS EXCUSED).

MR. BRELAND: The defendants move the Court to exclude all evidence offered by this witness and to direct the jury to wholly disregard it as to both defendants, J. W. Milam and Roy Bryant. That is our first motion. And we ask that for the reason that the testimony of this witness is not shown to have had any relation to the disappearance of Emmett Till or the identification of the body located and removed from the Tallahatchie River. That is our first motion.

THE COURT: Go ahead.

MR. BRELAND: And now comes the defendant, Roy Bryant, and moves the Court to exclude all evidence introduced by this witness and direct the jury to wholly disregard it as to the defendant Roy Bryant; because Roy Bryant has not been identified in any way or in any respect as being any person present on the occasion testified on by this witness.

THE COURT: Do you gentlemen have anything you want to say on that?

MR. SMITH: Yes, Sir, just a couple of remarks, Your Honor. In the first place, as we all know, the defendants had the right of severance, and they had a right to be tried separately at any time up to when the jury was empaneled. But they chose to stand trial together.

ut we can't put on proof for just one defendant and exclude it as to the other. We have to put on any proof that implicates either one of them. And since they made their own decision to be tried together, we feel that it is wholly competent.

THE COURT: I think the motion will be overruled.

(At this point in the proceedings, eleven forty five a.m., the Court took a recess until one thirty five p.m., this date, at which time the proceedings were resumed.)

ADD REED,

A witness introduced for and on behalf of the State, being first duly sworn, upon his oath testified as follows:

DIRECT EXAMINATION

BY MR. SMITH:

Q Your name is Add Reed, is that right?

A Yes, Sir.

Q How old are you, Add?

A I am sixty five.

Q You are sixty five years old?

A Yes, Sir.

Q Where do you live, Add?

A I live over on Clint Sheridan's place.

Q You live on Clint Sheridan's place?

A Yes, Sir.

Q And what county in Mississippi is that in?

A Sunflower.

Q Then you live in Sunflower County?

A Yes, Sir.

Q Do you know Mr. Leslie Milam?

A Yes, Sir.

Q How far does he live from you?

A Well, he don't live very far, right across the bayou. He is on one side and I am on the other.

Q Then that is only a short distance or so, is that right? You are on one side of the bayou and he is over on the other side, on the other land there, is that right?

A Yes, Sir.

Q Now, Add, you are the grandfather of Willie Reed who testified this morning, is that right?

A Yes, Sir.

Q And does he live there at your place?

A Yes, Sir, he lives with me.

Q He lives with you?

A Yes, Sir.

Q Now, on the morning of August 28th, Sunday morning, did you go anywhere that morning?

A Yes, Sir. I left my place and went across the bayou to get some slop to feed my hogs.

Q Which direction did you go from your house that morning when you left?

A Well, we started east, and then we crossed Mr. Milam's place over there. I was going for some slop.

Q Did you pass by any building or anything there on Mr. Milam's place?

A Yes, Sir.

Q First, let me ask you that, Uncle Add: Did you see anybody after you left your place? Did you see anybody around Mr. Milam's place?

A Before I got up the hill. I seen two men.

Q Did you recognize either one of those men?

A Well, I recognized one of them.

Q And who was that?

A I knowed Mr. Milam, but r didn't know the other man.

Q And which Mr. Milam do you mean? Was that Mr. Leslie Milam or Mr. J. W. Milam?

A Mr. Leslie Milam.

Q Now, as you went along the road and you passed the place, did you pass any building there on Mr. Milam's place?

A Yes, Sir.

Q Was there any vehicle parked around that building?

A I remember seeing one truck.

Q What kind of a truck was it?

A It was a white truck. That was all I paid attention.

Q Was it a big truck or a pickup?

A It was a pickup.

Q And what time of the morning was that?

A Well, it was around eight o'clock, I reckon.

Q Do you know whether or not your grandson, Willie, had left home prior to your leaving that morning?

A He left before I did.

Q Had he gotten back home before you left? Did he get back or was he there when you left home?

A No, Sir.

Q What kind of buildings did you pass there?

A Well, I think it was a kind of a shed. There was a shed right here (indicating with his hand), and right over here was an oat bin (indicating with his other hand). It used to be called an oat bin.

Q As you passed there, uncle Add, will you tell the jury and the court if you heard anything out of the ordinary?

MR. BRELAND: We object to that, Your Honor.

THE COURT: The objection is sustained.

THE WITNESS: Yes, Sir.

THE COURT: Don't answer the question. Don't state anything until you are told to do so.

MR. SMITH: Take the witness.

CROSS EXAMINATION

BY MR. CARLTON:

Q Uncle Add, this place where you live, what direction is it from Drew?

A It is about three and a half miles west of Drew.

Q Is it due west of Drew?

A Yes, Sir.

MR. CARLTON: That is all.

(WITNESS EXCUSED.)

(At this point in the proceedings, the Court took a recess, and shortly thereafter the proceedings were resumed.)

AMANDY BRADLEY,

A witness introduced for and on behalf of the State, being first duly sworn, upon her oath testified as follows:

DIRECT EXAMINATION

BY MR. SMITH:

Q Your name is Amandy Bradley?

A Yes, Sir.

Q I believe it is really Mary Bradley, but they call you Amandy, is that right?

A Yes, Sir.

Q How old are you, Amandy?

A Fifty.

Q Where do you live?

A I live out there on Mr. Leslie Milam's place.

Q You live on Mr. Leslie Milam's place?

A Yes, Sir.

Q About how far do you live from Mr. Leslie Milam's house?

A Well, not so far, but I don't know just how many yards.

Q Can you point out something here in the courtroom or something outside here that will show us just about how far you live from his house?

A I don't know. It might be a little further down

than this hotel up here, I reckon; a little further.

Q Can you see Mr. Leslie Milam's house from where you live?

A Yes, Sir.

Q Does he have any barn or shed around there reasonably close to his house?

A Yes, Sir.

Q And in which direction is that shed from his house?

A I think it is setting kind of west, back of his house.

Q Now I direct your attention to the last Sunday in August, the 28th day of August, 1955. Did you see Willie Reed that day?

A Yes, Sir.

Q You know Willie Reed?

A Yes, Sir.

Q And does he live down there close to you?

A He lives on Mr. Clint Sheridan's side, south of Mr. Milam.

Q Then he lives south of where you live?

A Yes, Sir.

Q What time of the morning was it when you saw him, Amandy?

A Well, as near as I can come to it - - I didn't pay particular attention - - but it was along about - - between six thirty and seven o'clock.

Q And where did you see him?

A He came to my house.

Q When he came to your house - - now don't tell what he told you - - but did he mention any unusual thing that he had seen or heard that morning?

A Yes, Sir, he sure did.

Q Did you look out the window or go out the door and look down towards Mr. Milam's place?

A No, Sir, I didn't go out the door. I looked out the window.

Q Did you see anybody out there around that shed down there on Mr. Leslie Milam's place?

A Yes, Sir. I saw - - -

MR. CARLTON: If the Court please, unless he can connect it up, we are going to object to any testimony about the witness seeing anybody there.

THE COURT: You may proceed.

Q Did you see anybody down there that morning?

A Up there around the barn?

Q Yes.

A Yes, Sir

Q And who did you see there or what did you see?

A I saw four white men, but I didn't know who they were.

Q Did you see any kind of a truck or anything up there?

A Yes, Sir.

Q What happened down there while you were looking down towards the shed? What did the four white men do and what happened?

A Well, they was just coming in and out from around the barn there, just going back and forth there in and out around the barn. But I don't know what they was doing.

Q Did you recognize any of those men?

A I sure did.

Q Could you identify any of those men if you saw them again?

A Well, I know the one they said it was. But it was at some distance there. But they said it was - - -

Q Now don't say what they said. Just tell what you saw and what you know.

A Well, at such a distance I just wouldn't know.

MR. CARLTON: We object, if Your Honor please, to the testimony about what she saw down there. She has not connected this up with anything that has to do with this case.

THE COURT: The objection is sustained.

Q While you were looking down there, what did those men do?

A Well, I didn't see there doing anything but going in and coming out of the shed there. And then one went to the well and got a drink of water and then went back to the shed.

Q Would you recognize that man if you saw him again?

A This man that come to the well for a drink of water, he was kind of a tall man and bald headed.

Q What did these men do relative to the truck? What did they do with the truck?

A Well, you see, I didn't see the truck when it come up there. But I saw it when they left. I seen it when they drove away. But what was in the truck, I wasn't close enough to see.

Q Did they do anything with the truck at all, or did they move it before they left?

A Yes, Sir. They backed it up under the shed.

Q They backed the truck up under the shed?

A Yes, Sir.

Q And was that the same shed they had been going back and forth from?

A Yes, Sir.

Q And then I believe you testified they drove off, is that right?

A Yes, Sir.

Q And that shed is on Mr. Leslie Milam's place, isn't it?

A Yes, Sir.

MR. SMITH: Take the witness.

MR. CARLTON: If Your Honor please, we move that the testimony of this witness be excluded and the jury be instructed to disregard it because of the disconnection as far as this case is concerned, and there is no relatedness as far as the defendants are concerned.

THE COURT: That motion will be overruled.

MR. CARLTON: We have no questions.

(WITNESS EXCUSED.)

MR. SMITH: If the Court please, the State rests.

MR. BRELAND: We would like to ask time for a conference, Your Honor.

THE COURT: How much time do you want?

MR. BRELAND: Well, Your Honor, we have two witnesses - - one is here but the other one is in Greenwood. One is Dr. Otken. And he is a busy man, and we will have to get in touch with him so that he can come over here.

THE COURT: I will give you whatever reasonable time

you need.

MR. BRELAND: I would say about fifteen minutes will be sufficient.

THE COURT: All right, Sir. We will now take a short recess.

(At this point in the proceedings, one fifty five p.m., the Court took a recess until two thirty five p.m., this date, at which time the proceedings were resumed.)

MR. BRELAND: If the Court please, we would like to present motions at this time.

(The jury retired to the jury room, and the proceedings continued in the absence of the jury.)

MR. BRELAND: Now comes the defendants, Roy Bryant and J. W. Milam, and now move the Court to exclude all the evidence offered by and on behalf of the State of Mississippi, and direct the jury to return a verdict of Not Guilty.

Now comes the defendant Roy Bryant, and moves the Court to exclude all evidence introduced for and on behalf of the State as against him, and direct the jury to return a verdict of Not Guilty as to this defendant, Roy Bryant.

And now comes the defendant J. W. Milam, and moves the Court to exclude all evidence introduced for and on behalf of the State as against him, and direct the jury

to return a verdict of Not Guilty on his behalf.

THE COURT: Those motions will be overruled for the reason that the Court is of the opinion that the evidence offered on behalf of the State of Mississippi, that that evidence as a whole presents issues for the determination of the jury. So the motions are therefore overruled.

(The jury returned to the courtroom, and the proceedings continued with the jury present.)

MR. BRELAND: The defendants now offer in evidence the photograph identified by Mamie Bradley as being the photograph taken of her son, Emmett Till, on the day - - or a couple of days - - after Christmas of 1954.

THE COURT: That will be received in evidence as an exhibit to the witness' testimony in the defendants' case.

(The photograph so marked was then shown to the jury.)

MR. BRELAND: The defense now offers in evidence a photograph that was identified by Mamie Bradley as a picture taken of the body shipped from Tallahatchie County, Mississippi, to Chicago, Illinois, as being a true likeness of the body which she examined and testified that she identified as that of Emmett Till.

THE COURT: That will be received as Exhibit 2 in the defendants' case.

(The photograph so marked was shown to the jury.)

MRS. ROY BRYANT,

A witness introduced for and on behalf of the defendants,
being first duly sworn, upon her oath testified as follows:

DIRECT EXAMINATION

BY MR. CARLTON:

Q What is your name, please, ma'am?

A Mrs. Roy Bryant.

Q You are the wife of one of the defendants in this
case, the defendant Roy Bryant, is that right?

A Yes, Sir.

Q How old are you, Mrs. Bryant?

A Twenty one.

Q And how tall are you?

A Five feet, two inches.

Q How much do you weigh, Mrs. Bryant?

A One hundred and three pounds.

Q Do you have any children?

A Yes.

Q What are those children's names?

A Roy Bryant, Jr., and Thomas Lamar Bryant.

Q And they are both boys, I believe?

A Yes.

Q What is Roy Jr's age?

A He is three.

Q And how old is Thomas Lamar?

A Two.

Q How old is your husband, Mrs. Bryant?

A Twenty four.

Q When were you all married?

A April 25th, 1951.

Q Did Roy serve in the Armed Forces?

A Yes.

Q When did he enlist in the Armed Forces?

MR. SMITH: We object, Your Honor. That is incompetent, immaterial and irrelevant.

THE COURT: The objection is overruled.

Q When did he enlist in the Armed Forces?

A In June of 1950.

Q That was about ten months, I believe, before you married?

A Yes.

Q How long did he stay in the service?

A Three years.

Q Did he get out in about June of 1953 then?

A Yes.

Q Now Mrs. Bryant, I direct your attention to Wednesday night, on the 24th day of August, on that evening, who was in the store with you?

MR. SMITH: If the Court please, we object to anything that happened on Wednesday evening unless it is connected up.

MR. BRELAND: We will connect it.

THE COURT: Will the jury please retire to the jury room.

(The jury retired to the jury room, and the proceedings continued in the absence of the jury.)

MR. CARLTON: If the Court please, it is the position of the defendants in this case that on the direct examination of Mose Wright by the State, the state showed that one of the men who came to the home of Mose Wright on the night of Wednesday, the 24th day of August, testified that one of these men wanted to see the boy that did the talking down at Money.

The State having introduced that testimony has raised inferences which the defendants believe they are entitled to explain and to show what happened.

And the State having opened the inquiry as to the occurrences on that occasion has given the defendants the right to explain those occurrences.

And further the defendants believe that these occurrences are a part of what the state alleges is one entire transaction, the beginning and inception of the

incident. And as much, the occurrences there on that occasion are a part of the res gestae of the case. And as such the defendants should be permitted to offer testimony in that particular.

MR. SMITH: If the Court please, I don't know on what statement Mr. Carlton bases his idea or his statement that we opened the thing up for anything that happened on Wednesday prior to that particular Sunday morning. Our proof started with the occurrence on Sunday morning at two o'clock when two or more persons came to Mose Wright's house for the boy. And we went from there on with our evidence and proof.

We have offered no proof whatsoever of anything that happened prior to that time. And Mrs. Bryant has not been brought into this thing whatsoever. And I think I am safe in saying that her name has not even been mentioned in this case.

The Supreme Court of Mississippi has many times held that former difficulties were not a part of the res gestae cannot be brought in as evidence. In other words, in a series of occurrences which might chronologically follow one another in a short space of time, the Supreme Court has ruled that those things are not competent if they are not a part of the res gestae. And I am sure Your

Honor is familiar with that more than I am.

And there have been numerous cases of homicide and assault, where parties would have some difficulty one day and then the next day they might meet up and some other trouble or altercation take place between them.

And we contend that anything whatsoever that happened down there on Wednesday is no justification for murder anyway. And we feel that _ wholly incompetent and irrelevant in this case. Anything that happened prior to those men going down to Mose Wrights' house is certainly not competent to bring in here.

MR. BRELAND: If the Court please, I believe the prosecution has looked at these things and the Supreme Court rulings in a different light than _.

And I would like to call the attention of the Court to the fact that the Supreme Court has ruled that an incident may be separated by days, and by weeks even, but if they can be connected as part or partial of a man's transaction, then it doesn't mean that these things must all happen right together.

If any of the happenings can be connected up and it forms a background for a later happening, then that can be considered as part of an entire transaction. And I believe the Supreme Court has ruled on that several times in the past.

THE COURT: Gentlemen, as the Court understands our Supreme Court decisions relating to such evidence, evidence of prior difficulties may be introduced providing that it can be considered a part of the *res gestae*, and particularly where there has been any altercation, or a difference, or an incident between parties, and the deceased is shown to be the aggressor, or when there is any question of doubt as to who might have been the aggressor, then such evidence would be admissible. But without such a showing it would not be admissible.

MR. WHITTEN: Excuse me, Your Honor, but I don't think that is our strongest point in our argument. In the first place, the State, by its own witness, has raised in the minds of this jury some question as to whether what happened down there at the store in Money was just mere talk.

But it was not only stated just-one time to the jury, but it was repeated two other times, as I recall, that the reason these men were down there was because they wanted to see the boy that had done the talking down at Money.

And we believe that where the State raises or puts in evidence any testimony, even though it might be immaterial to the issues, we say that the accused must

have an opportunity to explain it or develop it further to show the jury all the facts.

THE COURT: The Court is of the opinion that any accused in any criminal case can bring out anything relating to a continuation of any part of an alleged crime. But the testimony that is being offered here of details of a prior incident, I do not believe that is admissable.

And the Court's recollection of the testimony was that Mose Wright testified that the defendant, J. W. Milam, stated that he wanted the boy that did the talking over at Money. And I believe there was another reference in the testimony where they said something about the boy that did the talking over at Money or down at the store in Money. But the Court is of the opinion that evidence of the details of what occurred there at the store on that particular evening is not permissable here.

MR. BRELAND: And another thing, Your Honor, we contend that whatever might be competent in evidence as to these defendants is also competent with reference to their families, because they have the same right to protect their families as they do themselves.

THE COURT: That would be perfectly true with reference to the statement I made in the beginning relating to prior incidents or conflicts between parties, and members of

their immediate families would also be included in that.

But that is admissable in evidence under our Supreme Court decisions only where some question as to who was the aggressor at the time the crime with which they might be charged was committed, or that some overt act was committed by the deceased at that time to make such evidence of prior conflicts, or prior difficulties, or prior relations between the parties, that can only be brought out and shown when such a question arises. And then such evidence where the immediate family is concerned would be admissable in evidence.

MR. BRELAND: We wish to develop the testimony for the sake of the record, Your Honor.

THE COURT: That is the Court's understanding under the rules and laws of evidence of the State of Mississippi in cases such as this. You may now proceed.

Q Mrs. Bryant, on Wednesday evening or Wednesday night, the 24th day of August, 1955, did anyone - - who was in the store with you that night?

A No one.

Q You were alone in the store at the time?

A Yes.

Q Was there anyone in the living quarters at the rear of the store?

A Yes.

Q Who was back there?

A Mrs. Milam and her two children and also our two children.

Q Did any incident occur in that store on that evening which made an impression on you?

A Yes.

Q And what time of the evening was that?

A About eight o'clock.

Q Was that before or after dark?

A After dark.

Q Just tell the Court what happened there at that time, please, ma'am.

A This nigger man came in the store and he stopped there at the candy case.

Q And in the store, where is the candy case located?

A At the front of the store.

Q And on which side is it?

A It is on the left side as you go in.

Q And that is the first counter there, is that right?

A Yes, Sir.

Q Now, is the store, with reference to that candy counter, is there anything back of the candy counter towards the wall of the store?

A No.

Q Is there any place to walk there or anything of that sort?

A Yes, an aisle.

Q When this negro man came in the store, where were you in the store?

A I was farther back in the store, behind the counter.

Q Where were you in the store when this man came in?

A I was farther back behind the counter.

Q Were you on the same side or on the other side?

A The same side.

Q And when he came in, I believe you said he stopped in front of the candy counter, is that right?

A Yes.

Q And what did you do then?

A I walked up to the candy counter.

Q And what transpired up there at the candy counter?

A I asked him what he wanted.

Q And did he tell you?

A Yes.

Q Do you know what it was he asked for?

A No.

Q And did you then get the merchandise for him?

- A Yes. I got it and put it on top of the candy case.
- Q And what did you do then?
- A I held my hand out for his money.
- Q Which hand did you hold out?
- A My right hand.
- Q Will you show the Court how you held your hand out?
- A I held out my hand like this (demonstrating by holding out her hand).
- Q Which hand was that?
- A My right hand.
- Q And will you show the Court how you did that?
- A Like this (demonstrating by holding out her hand).
- Q And did he give you the money?
- A No.
- Q What did he do?
- A He caught my hand.
- Q Will you show the Court just how he grasped your hand?
- A Like this (demonstrating with her hand).
- Q By what you have shown us, he held your hand by grasping all the fingers in the palm of his hand, is that it?
- A Yes.
- Q And was that a strong grip or a light grip that he

had when he held your hand?

A A strong grip.

Q And will you show the Court what you did? How did you get loose?

A Well, I just jerked it loose, like this (demonstrating). Q It was about that difficult to get loose, was it?

A Yes.

Q And it was with that much difficulty that you got your hand loose?

A Yes.

Q Just what did he say when he grabbed your hand?

A He said, "How about a date, baby?"

Q When you freed yourself, what happened then?

A I turned around and started back to the back of the store.

Q You did what?

A I turned to get to the back of the store.

Q Did you do anything further then?

A Yes. He came on down that way and he caught me at the cash register.

Q You say he caught you?

A Yes.

Q How did he catch you?

A Well, he put his left hand on my waist, and he put his other hand over on the other side.

Q How were you going down along the counter there? Did he approach you from the front, or from the rear or how?

A From the side.

Q Now, Mrs. Bryant, will you stand up and put my hands just where he grasped you? Will you show the Court and jury?

A It was like this (demonstrating by putting Mr. Carlton's hands on her body).

Q He grabbed you like that, did he?

A Yes.

Q In other words, with his left arm around your back?

A Yes.

Q And his left hand on your left hip?

A Yes.

Q And he had his right hand on your right hip?

A Yes.

Q Did he say anything to you then at the time he grabbed you there by the cash register?

A Yes.

Q What did he say?

A He said, "What's the matter, baby? Can't you take

it?

Q He said, "What's the matter, baby? Can't you take it?"

A Yes.

Q Did you then try to free yourself?

A Yes.

Q Was it difficult? Did you succeed in freeing yourself?

A Yes.

Q Did he say anything further to you at that time?

A Yes.

Q What did he say?

A He said, "You needn't be afraid of me."

Q And did he then use language that you don't use?

A Yes.

Q Can you tell the Court just what that word begins with, what letter it begins with?

A The witness did not answer verbally, but shook her head negatively.)

Q In other words, it is an unprintable word?

A Yes.

Q Did he say anything after that one unprintable word?

A Yes.

Q And what was that?

A Well, he said - - well - - "With white women before."

Q When you were able to free yourself from him, what did you do then?

A Then this other nigger came in the store and got him by the arm.

Q And what happened then?

A And then he told him to come on and let's go.

Q Did he leave the store willingly or unwillingly?

A Unwillingly.

Q How did the other negro get out of the store then?
How did they leave?

A He had him by the arm and led him out.

Q Were there any white men in the store at the time this occurred?

A No.

Q Were there any other negro men in the store at the time?

A No.

Q Were there any other persons outside the store?

A Yes.

Q Were they white men or colored men?

A Colored.

Q Were there a number of them out there? How many of them were out there?

A Oh, about eight or nine.

Q When he went out the door, did he say anything further after he had made these obscene remarks?

A Yes. He turned around and said, "Good-by."

Q And when he got out the door, what did you do?

A I called to Mrs. Milam to watch me and then I ran out the door to go to the car.

Q Which car did you go to?

A Mrs. Milam's.

Q What did you go to the car for?

A For my pistol.

Q Where was your pistol in the car?

A Under the seat.

Q It was under which seat?

A The driver's seat.

Q As you went out the door and went to the car, did you see this man again?

A Yes.

Q where was he then? Where was he standing?

A He was standing by one of the posts on the front porch.

Q Your store has a front porch to it?

A Yes.

Q And these posts are on the front porch?

A Yes.

Q Did he say or do anything at that time?

A He whistled and then came out in the road.

Q Can you give a sound something like the whistle that he made there? Was it something like this? (Mr. Carlton demonstrated by giving two low whistles.)

A Yes.

Q When you got your pistol, Mrs. Bryant, where was this boy then? Or I should say where was this man?

A When I turned around, he was getting in a car down the road.

Q Did you rush back in the store then?

A Yes.

Q Had you ever seen that man before?

A No.

Q Have you ever seen him since?

A No.

Q Tell us what size man he was. Describe about how tall he was.

A He was about five feet, six inches tall.

Q And that is about four inches taller than you are, is that right?

A Yes.

Q And how much would you say that he weighed?

A Around one hundred and fifty pounds.

Q Did he walk with any defect?

A No.

Q Did he have any speech defect?

A No.

Q Did you have any trouble understanding him?

A No.

Q What sort of impression did this occurrence make on you?

A I was just scared to death.

Q Mrs. Bryant, do you generally know the negroes in that community around Money?

A Yes.

Q What kind of store is it that you run there?

A It is just a general store.

Q Are most of your customers negroes or white people?

A Most of them are negroes.

Q And of course, you come in contact with most of the negroes around there in that way?

A Yes.

Q And you know most of them around there, do you?

A Yes.

Q And was this man one of those?

A No.

Q Did he talk with a southern or northern brogue?

A The northern brogue.

Q Did you have any difficulty understanding him?

A No.

Q Did you have any white men anywhere around there to protect you that night?

A No.

Q Was your husband out of town?

A Yes.

Q Do you know where he was?

A He was in Brownsville.

Q What was his purpose in being away from home then?

A He had carried a load of shrimp there.

Q Where had he started out with that load of shrimp?

A From New Orleans.

Q When did you expect him home?

A I didn't know.

Q What was the reason for Mrs. Milam and the children being there with you?

A So that I wouldn't be alone.

MR. CARLTON: Now, we submit, Your Honor, that the testimony here is competent on the basis of the testimony which was introduced by the State to show that there was some talk in Money, and to remove from the minds of the

jury the impression that nothing but talk had occurred there.

THE COURT: The Court has already ruled, and it is the opinion of the Court that this evidence is not admissable.

(The jury returned to the courtroom, and the proceedings continued with the jury present.)

MR. CARLTON: We have no further questions, Your Honor.

MR. CHATHAM: No questions.

(WITNESS EXCUSED.)

MRS. J. W. MILAM,

A witness introduced for and on behalf of the defendants, being first duly sworn, upon her oath testified as follows:

DIRECT EXAMINATION

BY MR. CARLTON:

Q What is your name, please, ma'am?

A Mrs. J. W. Milam.

Q How old are you, Mrs. Milam?

A Twenty seven.

Q And you are the wife of one of the defendant's here in the courtroom, Mr. J. W. Milam, I believe?

A Yes.

Q When were you married, Mrs. Milam?

A In '49, December 10th.

Q Do you have any children?

A Two.

Q Will you give me their names, please, ma'am?

A Harvey and Billy.

Q How old is Billy?

A Four.

Q And how old is Harvey?

A Two.

Q And they are both boys, I believe?

A Yes.

Q Mrs. Milam, was your husband ever in the armed forces?

A Yes.

Q Do you know what Division he was in? What branch of service he was in?

MR. SMITH: If the Court please, we object to that as being immaterial and irrelevant to this case.

THE COURT: The objection is overruled.

Q Was he in the Army, or Navy, or Air Force?

A Army.

Q Do you know what rank he held when he first went in the Army, if any? Was he a private or an officer?

A Private.

Q And in what Theatre did he serve? Where was his service?

A In Germany.

Q In Germany?

A Yes.

Q While he was in service, was he ever wounded?

A Yes, Sir.

Q Was he awarded any decorations as a result of that?

A Yes.

Q What decorations did he receive?

A Purple Heart.

Q Did he receive any citations for bravery?

A I don't know.

Q And what was his rank when he came out of the service?

A A Lieutenant.

Q Do you know the circumstances of his promotion to Lieutenant?

A Well, it was a battlefield commission. I think that is what they call it.

MR. SMITH: We object to that, Your Honor. She wasn't there, and that would be strictly hearsay.

THE COURT: The objection is sustained.

Q Where do you and Mr. Milam live, Mrs. Milam?

A In Glendora.

Q And is that in Tallahatchie County, Mississippi?

A Yes.

Q How long have you lived there?

A Almost five years.

Q What relation is J. W. Milam, your husband, to Roy Bryant?

A A half brother.

Q Is it the same mother or the same father?

A Their mother.

Q That would then make you and Mrs. Roy Bryant sisters-in-law, I believe?

A Yes.

MR. CARLTON: No further questions.

CROSS EXAMINATION

BY THE DISTRICT ATTORNEY:

Q Just one question, Mrs. Milam: your husband is J.W. Milam, is that right?

A Yes, Sir.

Q And what relation is he to Leslie Milam?

A A brother.

Q He is a brother?

A Yes, Sir.

MR. CHATHAM: That is all

MR. CARLTON: That is all.

(WITNESS EXCUSED.)

H.C. STRIDER,

A witness introduced for and on behalf of the defendants,
being first duly sworn, upon his oath testified as follows:

DIRECT EXAMINATION

BY MR. WHITTEN:

Q This is Mr. H.C. Strider?

A That's right.

Q What official position do you have in Tallahatchie
County, Mississippi?

MR. CHATHAM: We will admit that Mr. Strider is the
Sheriff of Tallahatchie County, and a good one.

Q Mr. Strider, did you have occasion on August 31st,
I believe it was, to go down to a point on the Tallahatchie

River to examine a body that had been found down there?

A I did.

Q What time did you get down there to the river bank,
Mr. Strider?

A I would say around nine fifteen, something like that.

Q Had the body been brought to shore at that time?

A It had.

Q Were you there when it arrived?

A I was.

Q Did you examine the body, observe it and look at it
after it was brought in?

A The best I could, Yes, Sir.

Q Now tell the jury about the appearance and condition
of that body as you saw it that morning.

A Well, it was in mighty bad shape.

MR. CHATHAM: We object, to that, Your Honor.

THE COURT: Just state the physical facts, not your
own conclusions.

THE WITNESS: Well the skin had slipped - - I would
say it had slipped on the entire body. The fingernails
were gone from the left hand. A ring on the right hand
was holding the skin that held the fingernails on that
hand. And the entire body, the skin was slipping or it
had completely gone off it.

Q What was the condition of the head? What did you observe there?

Q There was a small hole about one inch above the right ear. There was two - - well, maybe two or three gashes on the head. And one was long - - well, I would say about an inch above the right ear, extending around, about over the left eye. And then one was just a little above it, and then between there was a short one about an inch long.

Q This hole you speak of that was over the right ear, did you determine whether it penetrated the skull?

A I cut a stick about the size of a pencil and tried to find if it penetrated through the skull or not, and I was unable to find if it penetrated through the skull.

Q Mr. Carlton has called my attention to the fact that you indicated the left side of your head and you stated that the gashes were on the right side. Is that correct? Will you explain that?

Q No - - it is on the left side.

Q The gashes were on the left side of the head?

A The hole was above the right ear, and it was more to the front than to the back. And the gash was about along in here, and there was this cut place there (indicating his own head with his hand.)

Q Did you observe the tongue?

A The tongue was extending, I would say, about two and a half or three inches. And the left eyeball was almost out, enough to almost fall out. And the right one was out, I would say, about three-quarters of an inch.

Q Was there any odor about the body that indicated it was decomposed or that decomposition had set in?

A It was so bad that we couldn't examine the body until the undertaker got there, and then he opened a deodorant bomb. And even then we couldn't get too close, and he had to use a quart of some kind of liquid. I didn't ask him just what it was.

And he covered the entire body with that then, and then we were able to get up to where we could tell something about the body.

Q You live on the Tallahatchie River, I believe, is that right?

A Well, about a quarter of a mile from the Tallahatchie River.

Q And you know the river pretty well, do you?

A I have known it since '35.

Q And you know the approximate temperature of the water there at that time of year, do you?

A I do.

Q And about what is it next to the surface of the river?

A I would say the top of the water at this time of year it would run around seventy degrees. And the deeper you go, well, the cooler it will be.

Q Do you know the approximate depth of the river?

A Well, I would say from around twenty five to thirty five on the average at The time when the body was found there. Of course, you will find some places deeper, but on the average I would say it is around thirty feet.

Q Have you on other occasions taken bodies out of the river?

A I have.

Q Have you taken bodies out of the river during that time of the year, during the summer period, just about the same time of the year as it was then, in weather like we had here in August?

A I have.

Q Relate that circumstance to the jury, if you will, please.

MR. SMITH: We object to anything about taking any other body out of the river. That has nothing to do with this case at all.

THE COURT: I think the circumstances would be

inadmissible. The objection is sustained.

Q Have you ever taken a body from the river that you knew had been there For a period of six days?

A I have.

Q Were the conditions under which that body was in that river about the same as the conditions under which this body was taken from the river?

MR. SMITH: We object to that, Your Honor.

THE COURT: The objection is sustained. But you can ask his opinion about the particular time that body was in the river, his opinion from his past experience.

Q What then, Mr. Strider, is your opinion based on your past experience in taking bodies from the river, as to how long this particular body that was removed from the water on August 31st had been in the river?

MR. SMITH: We object to that, if Your Honor please. He is not a doctor, and he is not qualified to testify about that.

THE COURT: He is not qualified as a doctor, but he stated that he has had experience with other bodies taken from the river from time to time. And I think he is qualified.

Q You may state your opinion on that, Mr. Strider.

A I would say at least ten days, if not fifteen.

Q Referring back to the condition of that particular body there, could you tell whether it was a white person or a colored person?

A The only way you could tell it was a colored person - - and I wouldn't swear to it then - - was just his hair. And I have seen white people that have kinky hair. And the hair had slipped in some places on the head there, but some of it was there, and what I saw, it showed it to be sort of kinky, or that of a negro.

Q Was that body recognizable to be that of any particular person's?

A Well, if one of my own boys had been missing, I couldn't really say if it was my own son or not, or anybody else's. I couldn't tell that. All I could tell, it was a human being.

MR. WITTEN: Your witness.

CROSS EXAMINATION

BY MR. SMITH:

Q Mr. Strider, I just have two or three questions to ask you. I hand you here a photograph that is marked as Exhibit 1 to the testimony of Mr. Strickland, introduced here yesterday, and I ask you if that picture represents the condition of the body taken out of the river that you

have referred to in your testimony?

A That does.

Q That is it?

A Yes, Sir.

Q I will ask you if that photograph shows that the skin or flesh is sluffed off at any place?

A Well, you can't tell in several places. You see, the darkness of this picture shows that the entire skin on the body had slipped. This was made hours later, and it had begun to turn dark.

At the time it was brought out of the water, he was just as white as I am except for a few places around that was just a little darker than other places. And except for that, he was just as white as I am.

Q But this photograph does represent him as he was some hours later?

A Only that there is some dark places on there that has developed.

Q Now, Mr. Strider, either the same day or the day after you and the people got this body out of the river, there was a death certificate prepared for Emmett Till, was there not?

A That's right.

Q And I believe you signed that death certificate, did you not?

A Yes, Sir.

Q And that death certificate certified the fact that it was the body of Emmett Till, isn't that correct?

A No, I didn't certify that body as Emmett Till. I said it was a dead body. I had never seen Emmett Till before, and I couldn't swear it was Emmett Till because I didn't know Emmett Till or what he looked like.

And another thing, his body at that time was not identified at the scene, because I asked his uncle at the time there at the scene - - could I just go ahead and tell what happened there?

Q Yes, Sir.

A Well, I called for his uncle. You see, I heard about this boy being gone or having disappeared there, and so I had the sheriff - - well, I got the sheriff's office over at Greenwood, I got them to go by and pick up the uncle.

And so then they went by and got the old man, and when he got there, he looked at this boy's body, and I said to him, "Mose, is this the boy that is missing from your home?"

And then he said, "I believe it is, but I couldn't say it is for sure.

And then I said to him, "What about this ring on

his finger?" And then he said, "I don't know. I would have to ask my boys about that."

And then I said to him, "Do you mean to tell me, Mose, that he has been staying there at your home for a week with this ring on his finger, and eating there at the same table with you, and you don't even know this ring, or that you didn't notice he had a ring on his finger?"

And then he said, "No, Sir. I did not know about that ring. But my boys would know whether he was wearing that ring or not." That is what he said to me.

Q Mr. Strider, do you know whether that death certificate had the name of Emmett Till on it or not?

A No, I don't know.

Q When you observed that body, were there any wounds on his body other than about the head?

A There was no wounds at all that I could see. On his back it looked like probably it had just a little reddish cast to it. What could have caused that, I do not know. And I don't know whether it was bruised or not.

But there wasn't no broken places in the skin or anything like that. And his body wasn't bursted anywhere other than about his head.

Q Mr. Strider, from your qualified experience in handling dead bodies brought out of the river, you know

as a matter of fact, do you not, that a body that is wounded and beaten up and injured will decompose much quicker than a body that has not been? Isn't that true?

A I would think so, Yes, Sir.

Q And you also know that conditions will vary in different bodies which will cause one body to decompose much quicker than another?

A Well, I wouldn't say too much about that. But I have taken bodies out of the river that were in there much longer than this.

Q But circumstances can make a difference, and circumstances can vary as far as a body is concerned, which might cause a body to decompose quicker or faster than another body?

A Well, I thought it depended on the temperature.

Q In your best judgment, Mr. Strider, was that not a bullet hole in his head?

A I wouldn't say whether that was a bullet hole or not. I couldn't find where it penetrated into the skull. And I know that I cut a little stick and tried to find if it penetrated or not, but I never could locate where it penetrated into the skull.

MR. SMITH: I believe that is all.

REDIRECT EXAMINATION

BY MR. KELLUM:

Q Mr. Strider, I would like to ask you this - - -

MR. CHATHAM: If Your Honor please, we object to more than one counsel examining the same witness.

THE COURT: I think the objection will have to be sustained. That will have to be done through the same counsel.

BY MR. WHITTEN:

Q Just one point of identification - - the Mose that you spoke of was Mose Wright who testified here in this case, is that correct?

A Yes, Sir; Mose Wright, who said he was the uncle of Emmett Till.

MR. WHITTEN: That is all.

(WITNESS EXCUSED.)

(At this point in the proceedings, 3:40 p.m., the Court took a recess until 4:05 p.m., this date, at which time the proceedings were resumed.)

DR. L. B. OTKEN

A witness introduced for and on behalf of the defendants,
being first duly sworn, upon his oath testified as follows:

DIRECT EXAMINATION

BY MR. BRELAND:

Q Give your name to the court reporter, Doctor.

A Dr. L. B. Otken. That is O-T-K-E-N, Otken.

Q Where do you live, Doctor?

A Greenwood, Mississippi.

Q How long have you lived in Greenwood, Mississippi?

A Since 1919.

Q Are you a regular, practicing, licensed physician
in the State of Mississippi?

A I am.

Q Are you a member of the College of Surgeons?

A I am not.

Q You have been a regular, practicing, physician and
surgeon for how long, Doctor?

A Since 1917.

Q Where did you go to school and college?

A University of Texas.

Q Did you have any hospital training?

A Yes, Sir.

Q Where?

A Well, in Galveston, Texas; also in New York City; and two years in a Base Hospital with the U. S. Army.

Q And what war was that?

A World War I.

Q Doctor, during that experience, in your hospital training, and in your regular practice, and also your service in the Army, did you ever have occasion to examine any dead bodies?

A Yes, Sir, I did.

Q And Doctor, have you ever had occasion to examine dead bodies that have been in the air and also those that have been in water?

A I have.

Q Would you please tell the jury or give the jury some kind of estimate as to the number of those dead bodies you have seen?

A Oh, that would be hard for me to just say offhand, as to just how many of those bodies I have seen.

Q Well, would it be a few or a large number?

A What?

Q Have you seen a few or a large number of those bodies?

A I would say a large number.

MR. BRELAND: We submit, Your Honor, that he is an

expert witness in his field.

THE COURT: I think the gentleman qualifies.

Q Did you have occasion or did you on Wednesday, August 31st, 1955, did you examine and view a dead boy in the Miller Funeral Home, or the colored funeral home, over in Greenwood operated by one Miller?

A I did.

Q At whose request or suggestion was that examination made?

A The sheriff's office of LeFlore County.

Q and is that the sheriff's office of Sheriff George Smith?

A Yes.

Q Did you know of the particular alleged crime that was being investigated at that time?

A Well, I was told that this body was taken from the river.

Q What river?

A Tallahatchie.

Q And you were called by the sheriff's office to come over there and make an examination of that body?

A To view the body.

Q Of course, you didn't make any pathological examination of the body?

A I did not.

Q Doctor, explain to the jury - - and you may use medical or scientific terms, if you so desire - - but will you please explain to the jury and describe the condition of that body to the jury as you saw it at that time?

A This body was badly swollen; badly bloated. And I would estimate - - now, as I previously stated, I did not touch this body. I want to make that plain to you - - but I would estimate that this body would have weighed two hundred and seventy five pounds. It was that badly bloated.

The skin and the flesh was beginning to slip on it. The head was badly mutilated. The right eye was protruding. And the tongue was protruding from the mouth.

Q And what about the odor of the body?

A Terrific.

Q What was the state of putrefaction of that body at that time?

A Well, I would say it was in an advanced state of decomposition - - or putrefaction if you wish to call it that.

Q Doctor, I want to ask this question: from the condition that you saw that body in, in your opinion, could anybody have identified any particular person as being that body?

MR, SMITH: If the Court please, we object to that question. We asked that same question, and it was objected to, and the objection was sustained.

THE COURT: The objection is overruled at this time.

THE WITNESS: I don't think you could. I don't think you could have identified that body.

Q Now suppose if the man had been another person's brother, could he have identified it, in your opinion?

A I doubt it.

Q Or if it had been a person's son, could a mother have identified that body, in your opinion?

A I doubt it.

Q Doctor, from your experience and study and your familiarity with the medical authorities, what, in your opinion, had been the length of time that the body had been dead, if it had been in the open air?

A I would say eight to ten days.

Q Well, if proof was shown that the body was taken from the Tallahatchie River where the water was from twenty five to thirty feet deep, and the water at the top of the water - - or the surface - - was at a temperature of around seventy degrees, and that it was cooler, the deeper the water got - - and that this particular body, when it was found, had a weight tied around its neck, weighing seventy-odd pounds - - what then would be your opinion as to how

long that body had been dead?

A I would still say eight to ten days.

Q Is that the minimum or the maximum?

A That would have been a minimum.

Q And what would have been the probable maximum number of days?

A Say two weeks.

MR. BRELAND: Take the witness.

CROSS EXAMINATION

BY MR. SMITH:

Q Doctor, I just want to ask a few questions. It is true, is it not, that different conditions will cause a body to decompose at a different rate?

A That is right.

Q And of course, you don't have any knowledge whatsoever as to the condition which existed where this body was, do you?

A I do not.

Q Now, could you tell whether this was the body of a colored person or a white person?

A I could not.

Q There was nothing to indicate one or the other?

A Not sufficiently for me to make a positive statement.

Q But what, in your opinion, was it? Was it a colored person or a white person?

A I just told you that I couldn't tell you whether it was a white person or a colored person.

Q Doctor, had the skin all over the body slipped?

A Not-altogether, but it was slipping in various areas.

Q I hand you here a photograph marked Exhibit 1 to the testimony of C. A. Strickland, and I ask you if that picture represents the body as it was at the time you saw it?

A That is the body that I saw.

Q Doctor, did you examine the body for wounds?

A I merely viewed the body. I did not lay my hand upon it, and there were some things that I could see.

Q What did you see in the way of wounds or injuries to the body?

A There was a round hole just above and slightly behind the right ear. There was an opening in the forehead, I would say, more to the right center, that was triangular in shape.

A piece of bone was gone. And the skin flap was turned up rather than turned down. And behind the left ear, the head was badly crushed in as if by some blunt

object.

Q Was there anything else that you observed?

A Well, there was mark around the neck as if something had been around the neck. But it was not there when I examined the body, so I can't state just what that was.

Q Was that mark around as much of the neck as you could see?

A It appeared to go all the way around.

Q And what about the rest of the body? Did you see any other injuries or wounds of any nature?

A That would be hard to say because of the decomposition. Your Honor, if you would allow me to say, those black splotches in that picture there, that was the areas of decomposition where the skin was beginning to come loose. Now what caused that, I don't know.

Q Doctor, in your opinion, was the round hole you described over the right ear, was that a bullet hole?

A I couldn't say.

Q What is your opinion as to whether it was or not?

A That would merely be a conjecture on my part. It was a round hole that went into the skull.

Q Doctor, in your opinion, did the injuries or wounds about the head look as if they might have been sufficient to cause his death?

A I would say so.

Q Doctor, did you sign a death certificate?

A I signed a death certificate in blank. I did not identify the body. As I remember, I stated that this was a body supposed to have been taken from the river and it had a hole above the right ear and the left side of the skull was crushed in.

MR. SMITH: I believe that is all.

REDIRECT EXAMINATION

BY MR. BRELAND:

Q Doctor, do you know any of the parties involved in this particular controversy?

A What do you mean by parties?

Q I mean the Milam family, or the brothers, or half-brothers?

A I do not.

Q And Mr. Bryant and Mr. Milam, you do not know those two gentlemen?

A I do not. You would have to point them out to me.

Q Doctor, these wounds that you have described about this dead body's head, could you tell whether or not those wounds were made there before or after death from the condition that body was in?

A I couldn't.

MR. BRELAND: I believe that is all.

RE-CROSS EXAMINATION

BY MR. SMITH:

Q Doctor, is it true or not that a person who is fat and heavy and has a good deal of weight, fat weight, is it true that such a body will decompose faster than a body that is more slender and muscular?

A That's right.

Q And that would affect the rate of decomposition?

A That is right.

MR. BRELAND: We object to that, Your Honor. I don't think it is relevant.

THE COURT: The objection is overruled.

Q And Doctor, is it not also true that a body that has been badly beaten or injured will decompose faster than one that has not been?

A That is right.

MR. SMITH: That is all.

REDIRECT EXAMINATION

BY MR. BRELAND:

Q Doctor, observing that body as you saw it, and with

the wounds that you saw on it, would that change your opinion on the length of time that the body had been dead, as you saw it?

A No.

MR. BRELAND: That is all.

MR. SMITH: That is all.

(WITNESS EXCUSED.)

MR. SMITH: Before we proceed further, if the Court please, I would like to recall Mr. Strider to the stand.

THE COURT: All right, Sir.

H. C. STRIDER,

Recalled as a witness for and on behalf of the State,
having been duly sworn, upon his oath testified as follows:

RE-CROSS EXAMINATION

BY MR. SMITH:

Q Mr. Strider, you are the same sheriff Strider, who testified her a few minutes ago?

A That's right.

Q And you are the sheriff of Tallahatchie County?

A That's right.

Q Sheriff, you testified that you went down to the river and found a dead body down there, is that correct?

A I didn't find it.

Q I mean, it was down there when you got there and you saw it?

A Yes, Sir.

Q And you had information that it was on your side of the river, did you not?

A Yes, Sir.

Q And I believe you testified that you couldn't tell whether it was a white man or a negro?

A That's right.

Q Sheriff, have you made any investigation to find out who that body was? Who that person was?

A Yes, Sir, I sure have.

Q And are you continuing your investigation?

A Yes, Sir.

Q And are you continuing your investigation at the present time?

A Not at the present time, no Sir. I have been tied up here in Court.

Q I realize that, just the way we all have. But what efforts have you been making to find out whose body that was?

A Well, I have had several reports about a negro who disappeared over there at Lambert. And I went out there and investigated that, and one man would tell you that he saw him, or that he said somebody told him they saw him, and then someone else would tell me that someone else had told them something about it. And it would just carry you right around to where you started from.

Q But you got no information whatsoever to indicate whose body that was? You have not gotten any information about that as yet?

A No, I have not.

MR. SMITH: That is all

MR. BRELAND: No questions.

(WITNESS EXCUSED.)

H. D. MALONE,

A witness introduced for and on behalf of the defendants,
being first duly sworn, upon his oath testified as follows:

DIRECT EXAMINATION

BY MR. BRELAND:

Q This is Mr. H. D. Malone?

A Yes, Sir.

Q Where do you live, Mr. Malone?

A Cleveland, Mississippi.

Q How long have you lived at Cleveland?

A Most of my life.

Q What is your business, profession or occupation?

A I am an embalmer and a farmer.

Q Oh - - you own a farm also, do you?

A Yes, Sir.

Q What is your education, Mr. Malone? State what
your education qualifications are that fits you for your
profession of an embalmer.

A I am a high school graduate, and I also had a year
of college. And I am a graduate of a mortuary school, the
John A. Gupton College of Nashville.

Q Is that an accredited college?

A Yes, Sir.

Q When did you graduate from that mortuary college?

A In 1952.

Q What experience have you had as an embalmer or mortician since that time?

A I have been steadily employed in the field since that time.

Q Do you mean in that character and kind of work?

A Yes, Sir.

Q And about how many dead bodies have you handled? What is your conservative estimate on that?

A Several hundred.

Q And have you ever had experience with bodies that have been dead for some length of time before you received them?

A Yes, Sir, I have.

Q And for what periods of time have they been dead? Just tell the jury generally.

A Well, anywhere from three days to ten days, or fifteen days; also some unknown.

Q Are you a licensed mortician or embalmer under the laws of Mississippi?

A Yes, Sir.

Q And in any other state?

A Yes, Sir.

Q What other state?

A Tennessee.

Q Have you ever been engaged in your profession in a funeral home over at Tutwiler?

A Yes, Sir.

Q And what is the name of the funeral home?

A Well, two. One of them is the Nelson Funeral Home, and another is the Avons (?) Funeral Home.

Q And as I understand, the Nelson Funeral Home is a negro funeral home?

A Yes, Sir.

Q And Avons is for white people?

A Yes, Sir.

Q And you have done work at both of those places?

A Yes, Sir.

Q You work as a mortician at both of those institutions?

A Yes, Sir.

Q How long have you been such?

A Nearly three years.

Q Have you ever had experience with bodies taken out of the water?

A Yes, Sir, several times.

Q Did you have occasion to embalm this body that was taken from the Miller Funeral Home at Greenwood and brought

to the Nelson Funeral Home at Tutwiler on the 31st day of August, 1955?

A Yes, Sir.

Q Did you do the work on that body?

A Yes, Sir.

Q Did you make an examination of that body?

A Yes, Sir.

Q State to the court and to the jury what the condition of that body was. Just give its general description, and then if there is any scientific or medical description, will you please explain such terms to the jury in layman's language.

A The body was bloated, bloated and swollen so bad that it was beyond any possible recognition, I think.

Q Will you state that again?

A The body was bloated, and it was so bloated that the features were not recognizable. There was a prevalent skin slip all over the body.

Q Will you explain that to the jury?

A Well, anywhere you touched it, the skin rolled up and slipped off. It just turned loose.

A Go ahead.

A And the entire skin on his left hand was off. How it got off, I don't know. But it was off when it came in, I guess.

And on the right hand, the fingernails were loose. It was just like the skin was loose, and it was just like they wasn't there at all. And the tongue was protruding from the mouth. His eyes were bulged up.

Q Will you explain that to the jury as best you can?

A Well, I mean bloated. And the hair came out easy. There were multiple lacerations about the head. The left eye was hanging from its socket. And the entire body was a bluish-green discoloration.

Q And what did that indicate to you?

A That indicated to me that the body had been dead possibly ten days or longer.

Q Do you mean possibly? Is that what you mean, possibly?

A Possibly; very likely that it had. It is very possible it had.

Q And that means that the probability that it had, is that right?

A Yes, Sir.

Q And the greatest probability that it had?

A Yes, Sir.

MR. SMITH: Your Honor, we object to counsel putting words in the witness's mouth.

THE COURT: The objection will be sustained. Counsel

will please refrain from testifying.

Q All right, go ahead.

A There was a hole above the right ear in the skull.

Q What was the color of the skin and flesh of the abdomen?

A A bluish-green.

Q And what did that indicate to you, if anything?

A Advanced putrefaction.

Q And you say the tongue was protruding from the mouth?

A Yes, Sir.

Q And about how far did it extend out of the mouth?

A As far as it would go.

Q And what did that indicate to you, if anything?

A Nothing more than the presence of gas; tissue gas.

Q Was that tissue gas you said?

A Yes, Sir.

Q Will you explain to the jury just what you mean by "tissue gas"?

A Tissue gas is generated by all the tissues of the body after the body has reached an advanced stage of decomposition.

Q And that gas you are talking about, is that gas coming off the stomach?

A It is gas from every tissue in the body.

Q Now, will you explain to the jury about rigor mortis, and tell what that is, and when it takes effect and when it leaves the body?

A Rigor mortis is a stiffening of the body, the muscles and joints. And it is caused by a complex chemical reaction which generates lactic acid during its onset and throughout its duration.

And this lactic acid retards putrefaction. The reason it does has to do with the pH of the body. And pH is the mathematical way of expressing the alkalinity or acidity of the body.

The scale on that runs from zero to fourteen, seven being neutral. And during life, the normal body pH is 7.4, slightly alkaline. And if rigor mortis comes on in a body, this lactic acid runs your pH below seven, which is an acid condition. And putrefaction bacteria cannot live in there. And until the rigor mortis condition is gone, there can be no putrefaction.

Q About how long does rigor mortis last after time of death?

A Well, as a general rule, under normal conditions, it takes from four to six hours for it to reach its height. And its duration is from twelve to forty eight hours.

Q Does any putrefaction or decomposition of the body

take place during that period?

A No, Sir.

Q When does putrefaction or decomposition begin?

A At the time the body reaches sever, or neutral.

That is the end of the rigor mortis, and that is when the body enzymes have overpowered this acid condition.

Q Does putrefaction or decomposition take place in a dead body of an able bodied person faster or quicker than it does in a body having a disease, like "T.B." or something like that?

A Will you state the question again.

Q I said, does putrefaction take place in a dead body quicker or later in an able bodied person than in a body of a person that has been sick with tuberculosis or any disease of that kind?

A That would be true with anything but tuberculosis.

Q Will you explain that?

A Well, in a person with tuberculosis, the body tissues are dried and emaciated, and there is not much muscle tissue there for generation.

Q Does putrefaction ordinarily take place earlier in a man that is well and able bodied than it does in one that has been sick, or one who dies from an illness?

Where would putrefaction take place first? Ordin-

arily would it be in the body of a well or able bodied person or one who has been sick?

A One that is highly active.

Q Now, you examined that body-and saw all the wounds on it, did you?

A I don't know if I saw them all or not. I saw some on the body, and what I saw I thought that was all.

Q And you also saw those on the head?

A Yes, Sir.

Q And you saw the condition of the body, did you?

A Yes, Sir.

Q Now state to the court and jury whether or not putrefaction takes place quicker and becomes progressive faster in a body that has been in the air or in one that has been in water under the same atmospheric conditions?

A Being in the water would retard putrefaction.

Q And it would retard it to what extent?

A Well, that would have to do with the temperature and also the physical state of the body.

Q Now what you have testified to here is with reference to a body that has been in the air or in the water?

A I have been telling you about a body under normal conditions. That would be in the open air.

Q That is what you mean by "normal conditions"?

A That's right.

Q Now say a body is taken from the water, where the top of the water in a river would be around seventy degrees in temperature, and where the river would be twenty five to thirty feet deep, and where such a body had a seventy-pound weight tied to that body, and where the water would get colder the deeper it gets - - what would be the difference in the rate of decomposition of a body that was in water such as I have described than a body out in the air?

A I understood you to say a seventy-foot weight - - do you mean a seventy-pound weight? Maybe I misunderstood you.

Q Yes, a seventy-pound weight.

A I would say it would be retarded considerably.

Q What?

A I would say it would be retarded considerably; putrefaction, that is.

Q Then would you say that it would take longer or a shorter period of time for decomposition?

A It would take longer for it to decompose.

Q Well, having examined that body which you embalmed, and from your study and experience as a licensed mortician and embalmer, and having observed the number of bodies that you have, both those that have been in the air and also in

the water, what would be your opinion as to the shortest length of time that this particular body had been dead that you embalmed?

A About ten days.

Q And what would be the probabilities of the length of time that it might have been dead? That is, as to the longest length of time it might have been dead?

A I would say ten days.

Q Do you mean the longest length of time it could have been dead?

A No - - not the longest; the shortest.

Q I am asking you about the longest period of time it could have been dead.

A That would be hard to say.

Q What is your best judgment on that?

A Somewhere between ten and twenty, or maybe ten and twenty five days, perhaps.

Q Did that body come to that funeral home from Greenwood, from the funeral home at Greenwood, in any kind of a box or casket?

A It came in a wooden. cloth-covered casket.

Q What was the length of that casket, if you know, that it came in?

A Six foot three.

Q How did that body fit in that casket? How completely

did it fill the casket end to end?

A It filled it very near full.

Q Do you mean from end to end?

A Yes.

Q Did you measure the length of that body?

A No, I did not.

Q What would be your estimate of the length of that body?

A I would say the body was five feet, ten.

Q Five feet, ten inches?

A Yes.

Q Could you tell from the condition that body was in, could you give the jury and the court a definite opinion as to how old the person was?

A I wouldn't attempt to say at all.

Q And was that because of the condition of the body?

A That was because of the condition of the body.

Q Is it possible for a mortician or a plastic surgeon expert to repair a body in the condition of the body that you saw there when it was embalmed, is it possible for such an expert to make it look more like its natural self?

A Yes, Sir.

Q And is that not the usual practice in a mortuary?

A It is usually their practice to a certain extent.

Q And is that more usually done in cities than it is in the country places?

A I would say where the volume of the funeral business is, that is where you would find the experts qualified to do that work.

Q And where do you usually find them, if you know? Would that be in country towns or in cities, if you know?

A Well, I still say where the volume of the business is. And that would be in the cities, of course.

MR. BRELAND: That is all. Take the witness.

CROSS EXAMINATION

BY MR. SMITH:

Q I want to see if I got your name right? Is your name Malone?

A Malone, M-A-L-O-N-E.

Q Mr. Malone, you said there were some wounds or injuries about the body, did you not?

A About the head.

Q Would you please describe those to the jury? Tell what they were, and what they looked like?

A There was a wound in the crown of the head and also at the base of the skull. And there was a hole over the right ear. The left eye was hanging from its socket.

Q Did it look like it had been knocked out?

A I couldn't say.

Q Were there any other wounds about the head?

Was there one over his left ear?

A There was one in the vicinity of that ear.

Q You say there was one in the vicinity of his ear?

A Somewhere in the vicinity of his ear. I don't know just exactly.

Q Did you see that ring or mark around the body's neck?

A I didn't notice any ring. I don't recall seeing any ring.

Q Now, it is true, Mr. Malone, is it not, that the conditions which exist at the place and where a body might be, those conditions would affect very greatly the rate of decomposition? Is that not true?

A Yes, Sir, they do.

Q And isn't it also true that a body that is wounded and beaten, and so forth, that such a body will decompose faster than one that is not?

A Under normal conditions, yes, sir.

Q But of course, you have no knowledge of the conditions where this body had been, do you?

A No, Sir.

Q And what you are testifying to is what would happen

under normal conditions, is it not?

A That's right.

Q And isn't it true that if a person is fat, or heavy, and has more fatty tissue than the average person, that such a body will decompose at a greater rate than one that is not so fat?

A Yes, Sir.

MR. BRELAND: We don't think that question is competent, Your Honor. It has not been shown that this body was fat.

THE COURT: The objection is overruled.

MR. SMITH: I think that is all.

(WITNESS EXCUSED.)

THE COURT: The Court will now recess until nine thirty in the morning.

(At this point in the proceedings, 5:05 p.m., the Court took a recess until 9:30 a.m., the following day, at which time the proceedings were resume.)

STATE OF MISSISSIPPI)

)

In the Circuit Court

TALLAHATCHIE COUNTY)

SEPTEMBER TERM, 1955

STATE OF MISSISSIPPI

VS.

J. W. MILAM and ROY BRYANT

INDICTMENT - MURDER

Presiding:

Hon. Curtis M. Swango, Jr., Circuit Judge,

Seventeenth Judicial District of the State.

Appearances:

For the State:

Hon. Gerald Chatham, District Attorney;

Hon. Robert B. Smith, III, Special Assistant

to the District Attorney;

For the Defendants:

Hon. J. J. Breland, of Sumner, Mississippi;

Hon. C. Sidney Carlton, of Sumner, Mississippi;

Hon. J. W. Kellum, of Sumner, Mississippi;

Hon. John W. Whitten, Jr., of Sumner, Mississippi;

Hon. Harvey Henderson, of Sumner, Mississippi.

This day, this cause coming on to be heard, on this the 23rd day of September, 1955. Comes the District Attorney, came also the defendants, each in his own proper person and represented by counsel and announced ready to proceed herein. Whereupon, came the same jury, composed of J. A. Shaw, Jr., and eleven others, being specially sworn to try the issue. Thereupon, the cause proceeded to further trial before the Judge aforesaid, and the jury, when and where the following proceedings were had, as follows:

LEE RUSSELL ALLISON

A witness introduced for and on behalf of the defendants, being first duly sworn, upon his oath testified as follows:

DIRECT EXAMINATION

BY MR. KELLUM:

Q This is Mr. Lee Russell Allison?

A It is.

Q Where do you live, Mr. Allison?

A About a mile south of Tippo.

Q And how far is that from the little community of Glendora?

A I would say around eight miles.

Q How long have you lived in Tallahatchie County?

A Practically all my life.

Q What official position, if any, do you hold in Tallahatchie County?

A Supervisor, Beat 4.

Q And is Glendora in Beat 4?

A It is.

Q Do you know one of the defendants in this case, Mr. J. W. Milam?

A I do.

Q How long have you known him?

A Some four years or probably a little over four years.

Q Do you know in the community where he lives his general reputation for peace and violence?

A It is good.

MR. KELLUM: Take the witness.

CROSS EXAMINATION

BY THE DISTRICT ATTORNEY:

Q Mr. Allison, were you a candidate in the recent August primaries for re-election?

A I was.

Q And you got elected, I hope?

A I did.

Q Did Mr. Milam support you in that election?

A I believe he did. Most of them did.

Q And any way that you could repay that favor, you would be glad to do it, and that is what you are doing now, is that right?

A I don't know about repaying any favor.

Q But that would be the natural thing to do, isn't that right?

A Well, if I could return a favor, I would.

Q Now, Mr. Allison, you weren't present with the defendant on August 24th - -

MR. BRELAND: We object to that, Your Honor. That is previous to August 28th.

THE COURT: The objection is sustained.

Q You have stated your opinion as to the general reputation of J. W. Milam?

A I have.

Q I want you to tell the jury if it is not an actual fact that he was convicted - - or he was arrested and pleaded guilty to a charge - - -

MR. BRELAND: We object to that, Your Honor.

THE COURT: The objection is sustained. Will the jury please retire to the other room.

(The jury retired to the jury room, and the proceedings, continued in the absence of the jury.)

MR. CHATHAM: I want to make this statement to the Court. We asked the question in perfectly good faith, and we are not intending to take any advantage of the witness or of the Court.

And we asked the question for the simple reason that the witness testified to the good character and reputation of J. W. Milam as to peace and violence. And we want to interrogate him and ask him what he based that on.

THE COURT: But you didn't start your questions that way. You may ask your questions now in the absence of the jury, and we can perhaps let you finish the questions before we sustain any objection.

Q Mr. Allison, what you meant to tell the jury was that you don't know of any act of violence that was ever committed by J. W. Milam, so far as your personal knowledge is concerned? Isn't that right?

A That is all I can say. I can just say what I do know.

MR. BRELAND: If the Court please, that is going beyond the scope of our direct examination. And this is his cross examination of the witness.

THE COURT: Do you wish to withdraw your question? As the Court sees it, this examination is a cross examination, and it will have to be limited to the matters in

issue in the charge here. And he has testified that the general reputation of the defendant, J. W. Milam, in the community in which J. W. Milam lives, that the general reputation for peace and violence is good.

Now, the cross examination will have to be limited to the reputation of the defendant, J. W. Milam, as to peace and violence. This is cross examination, you know.

Q Now, Mr. Allison, I believe you said that you have lived in that community practically all your life, is that right?

A I have.

Q And if you don't know everybody in your supervisor's district, it isn't because you didn't try to find them? You tried to find all of them, didn't you?

A I did, every one.

Q And you wanted to make friends of every one of them, is that right?

A Yes, Sir.

Q Have you ever heard of Mr. J. W. Milam ever having been convicted of any criminal charge?

A No, Sir.

MR. BRELAND: We object to that, Your Honor.

THE COURT: The objection is sustained, and the question

is not to be asked in the presence of the jury. Let the jury come in, please.

(The jury returned to the courtroom; and the proceedings continued with the jury present.)

MR. CHATHAM: I don't believe I have anything further.

(WITNESS EXCUSED.)

LEE MCGARRH,

A witness introduced for and on behalf of the defendants, being first duly sworn, upon his oath testified as follows:

DIRECT EXAMINATION

BY MR. KELLUM:

Q You are Mr. Lee McGarrh?

A Yes, Sir.

Q How old are you, Mr. McGarrh?

A Thirty five.

Q Where do you live?

A At Glendora.

Q Glendora, Mississippi?

A That's right.

Q How long have you lived at Glendora?

A For the past ten years.

Q Do you know Mr. J.W. Milam, one of the defendants in this case?

A Yes, Sir, I do.

Q How long have you known him?

A Ten years.

Q How far does he live from you there in the little community of Glendora?

A Well, I would say, roughly, about three hundred yards.

Q About three hundred yards?

A Yes, Sir.

Q Do you know there in this community where Mr. J.W. Milam lives his general reputation for peace and violence?

A I do.

Q Is that reputation good or bad?

A Good.

MR. KELLUM: That is all.

CROSS EXAMINATION

BY THE DISTRICT ATTORNEY:

Q Mr. McGarrh, what business are you in?

A I operate a grocery store and service station.

Q Were you qualified here at this term of Court as

a juror? It seems that your name has been called out here before.

A Well, I was called up but I was disqualified.

Q In other words, you were called up as a juror, and you disqualified yourself because - -

MR. KELLUM: We object to that.

THE COURT: The objection is sustained.

Q Mr. McGarrh, you have known J.W. Milam for how long?

A Approximately ten years.

Q And have you lived close by him there in Glendora?

A Well, for about the past seven years, yes, Sir.

Q And during that time you have formed a warm friendship with him, is that right?

A We were close friends, yes, Sir.

Q And he has done business with you and you have done business with him?

A That's right, Sir.

Q And in your testimony here as to his good character, that is based on your own personal knowledge, and as far as you know, you have never heard of him being involved in any wrong doings?

A No, I have not; not to my knowledge.

Q And your testimony here this morning is based on your own knowledge?

A That's rights, Sir.

Q And you, as a close friend of his, you want to help him out of his difficulty, is that right?

A Well, I didn't come up here to tell a lie. I came to tell the truth.

Q But that is the reason you are up here this morning, isn't it, because you are a friend of J.W. Milam?

A Yes, Sir.

MR. CHATHAM: That is all.

(WITNESS EXCUSED.)

L.E. BOYCE,

A witness introduced for and on behalf of the defendants,

being first duly sworn, upon his oath testified as follows:

DIRECT EXAMINATION

BY MR. KELLUM:

Q You're Mr. L.W. Boyce?

A Yes, Sir.

Q Where do you live, Mr. Boyce?

A Three and a half miles out of Glendora.

Q How long have you lived there?

A Thirty years.

Q Do you know Mr. J.W. Milam?

A Yes, Sir.

Q How long have you known him?

A Nine years.

Q Do you know there in the community where "J.W." lives in Glendora, do you know his general reputation for peace and violence?

A It is good.

MR. SMITH: We object to that, Your Honor. He was not asked that question.

THE COURT: Just answer the question. Mr. Kellum, will you ask the question again?

Q In the community where "J.W." lives there in Glendora, do you know his general reputation for peace and violence?

A Yes, Sir, I know it.

Q And is that reputation good or bad?

A It is as good as anybody's.

MR. KELLUM: That is all.

CROSS EXAMINATION

BY THE DISTRICT ATTORNEY:

Q Mr. Boyce, are you related to Mr. Milam or to any member of his family?

A No, Sir.

Q During the nine years that you have known him, have you formed a warm friendship with him?

A Not necessarily. I have done business with the man and have found him to be a good business man, but we have had no close relations.

Q But your relations have been cordial and friendly?

A Well, there is no enemy to it.

Q And your relations with him have been cordial and

A I found him a good man to do business with?

Q And he asked you to come up here and testify here in his behalf, and that is the reason you came here as a witness, is that right?

A No, Sir. He didn't ask me to come here at all.

Q Then how did you come here? Why did you come?

A I got notice from the lawyers to come up here.

Q And no one said anything to you about it?

A No.

Q And they didn't ask you what you were going to say?

A No.

Q But you did come up here as a friend to tell about his reputation as a friend, and to help him out if you could, isn't that right?

A I am up here to tell his reputation as I know it

Q But you are up here to help him out, isn't that true?

A I am up here to tell about his reputation as I know it.

MR. CHATHAM: That is all.

(WITNESS EXCUSED.)

JAMES SANDERS,

A witness introduced for and on behalf of the defendants, being first duly sworn, upon his oath testified as follows:

DIRECT EXAMINATION

BY MR. KELLUM:

Q You are Mr. James Sanders?

A Yes, Sir.

Q What age man are you, Mr. Sanders?

A Forty four.

Q Where do you live?

A I live three miles north of Money.

Q How long have you lived there?

A Well, this time I have lived there for about four and a half years.

Q Do you know Mr. Roy Bryant?

A Yes, Sir.

Q Now long have you known him?

A Nearly two years.

Q Do you know, there in the community where Mr. Roy Bryant lives in Money, do you know his general reputation for peace and violence?

A It is good.

MR. SMITH: We object, Your Honor. He wasn't asked that.

THE COURT: The objection is sustained. Just answer the gentleman's question.

THE WITNESS: Yes, Sir.

Q Is that reputation, Mr. Sanders, good or bad?

A It is good.

MR. KELLUM: Take the witness.

CROSS EXAMINATION

BY THE DISTRICT ATTORNEY:

Q Mr. Sanders, who asked you to come up here and testify for Mr. Roy Bryant?

A I volunteered to come up here.

Q And you are basing your statement of his good reputation on your friendship for him, and you are up here trying to help him out of his difficulty more than anything else, isn't that true?

A I am just up here to state the truth.

Q And you just heard somebody else say that, didn't you?

A No.

Q Well, I haven't accused you of not telling the truth, have I?

A No, you haven't.

Q And you are up here as his friend, to try and help him out in any way that you can in this difficulty, isn't that right? You are not here trying to hurt him, are you?

A No, Sir, I am not trying to hurt him.

Q And your statement to the jury about his good reputation in the community where he lives is made because of your desire to help him out more than your knowledge of his reputation, isn't that right?

A No.

Q Well, he hasn't been there more than two years.

has he? You haven't known him longer than that, have you?

A I have been there more than two years.

Q Well, how long has Mr. Bryant been living there?

A About two.

Q And you say yo live three miles north of Money?

A Yes.

Q Do you do business with Mr. Bryant?

A No, Sir.

Q Do you go to church with him?

A I have been to church with him.

Q How many times have you been to church with Mr.
Bryant?

MR. BRELAND: We object to that Your Honor. That is
not proper cross examination.

THE COURT: The objection is sustained.

MR. CHATHAM: That is all.

(WITNESS EXCUSED.)

HAROLD TERRY,

A witness introduced for and on behalf of the defendants,
being first duly sworn, upon his oath testified as follows:

DIRECT EXAMINATION

BY MR. KELLUM:

Q You are Mr. Harold Terry?

A That's right.

Q What age man are you, Sir?

A Thirty two.

Q Where do yo live, Mr. Terry?

A At Money.

Q How long have you lived at Money?

A Four years.

Q Do you know Mr. Roy Bryant?

A I do.

Q How long have you known Mr. Bryant?

A Since he has been there at Money.

Q Do you know how long he has been down there?

A About close to two years.

Q Do you know Mr. Roy Bryant's general reputation
in the community in which he lives for peace and violence?

A I do.

Q Is that general reputation good or bad?

A It is good.

MR. KELLUM: Take the witness.

CROSS EXAMINATION

BY THE DISTRICT ATTORNEY:

Q Mr. Terry, what business are you in?

A I am a farmer.

Q And you say have lived down there in that community for about four years?

A Yes, Sir.

Q How far do you live from Money, and how far do you live from the store there?

A I live right in Money.

Q Do you do business with Mr. Bryant?

A No, Sir, I do not.

Q Do you know what his general reputation was for peace or violence before he came to Money?

A I didn't know him before he came to Money.

Q Therefore, you don't know what his reputation was for peace and violence before he came there, do you?

A No, Sir.

Q And since he has been there, what you know about him has been good?

A Yes, Sir.

Q Now you stated that his general reputation in the

community for peace and violence was good. I want to ask you how many people you heard discuss Mr. Bryant's reputation during the past two years?

A I haven't heard Mr. Bryant discussed.

Q Then you haven't heard his reputation discussed?

A No, Sir.

Q Well, then, how do you know what his general reputation is?

MR. BRELAND: If the Court please, that is the best reputation a man can have, when nobody says nothing about him.

THE COURT: I think the question is proper, as to what he bases his previous statement on.

Q If you haven't heard his general reputation discussed by the people there in Money, during the past two years that he has lived there, then how do you know what his general reputation is?

A I haven't heard anything about Mr. Bryant.

Q Then you just stated what you think it is? Is that what you are stating now?

A Yes, Sir.

Q And that is just your opinion, is that right?

A Yes, Sir.

Q Who asked you to come here To testify today?

A I volunteered to come up here.

Q And you are in sympathy with Mr. Bryant, is that right, or is that wrong?

A (The witness did not answer the question.)

Q Why do you hesitate to answer, Mr. Terry?

A (The witness did not answer the question.)

MR. CHATHAM: You can stand aside.

(WITNESS EXCUSED.)

GROVER DUKE,

A witness introduced for and on behalf of the defendants,
being first duly sworn, upon his oath testified as follows:

DIRECT EXAMINATION

BY MR. KELLUM:

Q You are Mr. Grover Duke?

A Yes, Sir.

Q What age man are you, Mr. Duke?

A I am thirty years old.

Q What business are you in?

A Railroading.

Q And where do you live?

A Money, Mississippi.

Q How long have you lived in Money?

A One year and a half.

Q Do you know Mr. Roy Bryant?

A Yes, Sir.

Q How long have you known him?

A Two years.

Q Do you know Mr. Roy Bryant's general reputation there in the community in which he lives for peace and violence?

A Yes, Sir.

Q Is that reputation good or bad?

A Good.

MR. KELLUM: Take the witness.

CROSS EXAMINATION

BY THE DISTRICT ATTORNEY:

Q Mr. Duke, what particular kind of work do you do on the railroad?

A I am a section foreman.

Q That is a good vocation. My father was one also, you see. You say you have lived in Money for a year and a half?

A Yes, Sir.

Q And you have known Mr. Bryant for two years?

A Yes, Sir.

Q Did you know him before he came to Money?

A Yes, Sir.

Q The year and a half that you have been there, you haven't heard of him being involved in any crime or anything like that?

A No, Sir.

Q And for that reason, you say his reputation for peace and violence is good?

A Yes.

Q How many people have you heard discuss his reputation, Mr. Duke?

A I never heard it discussed one way or the other.

Q So actually you don't know just what his general reputation is in and around Money, you having been there for a year and a half, do you?

MR. BRELAND: If the Court please, we object to that. I think that is the best reputation a man can have, if he had never been talked about in his community where he lives.

THE COURT: I think you can ask him what he bases his statement on as to his general reputation.

Q Mr. Duke, since you have been in Money, and before that, I gather that you have formed a friendship with Mr.

Bryant, is that right?

A Yes.

Q And as one friend to another, you would naturally come up here today to do what you can to help him out of his difficulty, if your testimony would help, isn't that right.

A Yes, Sir.

Q Did he ask you to come here and testify?

A No, Sir.

Q Who asked you to come up here and testify?

A I believe it was a brother-in-law of the defendant.

Q Mr. Bryant's brother-in-law?

A Yes, Sir.

Q And he asked you to come up here and testify for him?

A I volunteered to come.

Q And you are in sympathy with him, isn't that right?

A Yes, Sir.

MR. CHATHAM: That is all.

(WITNESS EXCUSED.)

FRANKLIN SMITH,

A witness introduced for and on behalf of the defendants,
being first duly sworn, upon his oath testified as follows?

DIRECT EXAMINATION

BY MR. KELLUM:

Q This is Mr. Franklin Smith?

A Yes, Sir.

Q Where do you live, Mr. Smith?

A At Money.

Q Money, Mississippi?

A That's right.

Q How long have you lived at Money?

A About thirty years; since 1926.

Q I believe Money is in LeFlore County, is that
right?

A Yes, Sir.

Q And the sheriff down there is Mr. George Smith?

A Yes, Sir.

Q I notice your name is Smith. Are you any relation
to the Sheriff?

A A cousin.

Q Do you know Mr. Roy Bryant?

A Yes, Sir.

Q Where does he live?

A At Money.

Q Do you know Mr. Roy Bryant's general reputation in the community in which he lives for peace and violence?

A Yes, Sir.

Q Is that reputation good or bad?

A It is good.

MR. KELLUM: Take the witness.

CROSS EXAMINATION

BY THE DISTRICT ATTORNEY:

Q Mr. Smith, what do you do for a living?

A My main occupation is farming, Sir. I have a little block of land. And I also have other sidelines.

Q Mr. Smith, what would you say as to the general reputation of Mr. Roy Bryant in that community since August 28th, of this year?

MR. KELLUM: We object to that, Your Honor.

THE COURT: The objection is sustained.

Q How long have you known Mr. Bryant, Mr. Smith?

A About two years.

Q And your statement here that he is a man of a good general reputation in the community is based on the knowledge that you gained about him during the two years that he has been there at Money, is that right?

A Yes, Sir.

Q Is he a member of the same church you are?

A Yes, Sir.

Q And you see him there regularly, do you?

A Occasionally.

MR. CARLTON: We object to that, Your Honor.

THE COURT: The objection is sustained.

Q Now during the time you have known him, you have formed a friendship with him, haven't you?

A Yes, Sir.

Q And on account of that friendship, you volunteered your services to come up here and help him out in any way that you could in this trial, is that right?

A Yes, Sir.

Q And that is the reason you are up here?

A Yes, Sir.

Q And you are in sympathy with him and you want to do everything you can to help him, isn't that right?

A Yes, Sir.

MR. CHATHAM: That is all

(WITNESS EXCUSED.)

MR. BRELAND: The defendants rest.

THE COURT: The defendants rest. What says the State?

MR. SMITH: If the Court please, we have nothing in rebuttal.

THE COURT: The State rests.

MR. BRELAND: The State having rested, and the defense having closed their case, the defendants J.W. Milam and Roy Bryant now move the Court to exclude all the evidence for and on behalf of the State of Mississippi, and to direct the jury to return a verdict of Not Guilty.

And now comes the defendant, J.W. Milam, and moves the Court to exclude all the evidence introduced for and on behalf of the State of Mississippi as against him, and to direct the jury to return a verdict of Not Guilty as to the defendant, Mr. J.W. Milam.

And now comes the defendant, Roy Bryant, and moves the Court to exclude all the evidence introduced for and on behalf of the State of Mississippi, and to direct the jury to return a verdict of Not Guilty as to him.

THE COURT: Those motions and each of them will be overruled. The Court will now stand at ease for about five or ten minutes.

(At this point in the proceedings, 10:23 a.m., the

Court took a recess until 10:38 a.m., this date, at which time the proceedings were resumed.)

(The District Attorney, Mr. Chatham, makes an opening argument to the jury, and also reads his instructions, approved by the Court, to the jury.)

(Mr. Henderson, one of the defense counsel, then reads his instructions, approved by the Court, to the jury.)

(Mr. Carlton, another defense counsel, makes an argument on behalf of the defendants to the jury.)

(Mr. Kellum, another defense counsel, makes further argument on behalf of the defendants to the jury.)

(At this point in the proceedings, 11:55 a.m., the Court took a recess until 1:50 p.m., this date, at which time the proceedings were resumed.)

Mr. Whitten, another defense counsel, makes the further and final argument on behalf of the defendants to the Court.)

(Mr. Smith, Special Assistant to the District Attorney, makes the closing argument for the State to the jury.)

(The Court then appointed Mr. J.A. Shaw, Jr., as spokesman for the jury. Also, the Court excused Mr. Willie Havens, who had been selected as the one extra juror to hear this case, and he was discharged from further jury duty by the Court.)

(At 2:34 p.m., this date, the jury retired to the jury room for deliberation, and at 3:42 p.m., this date, it was announced that the jury has reached a verdict, and at that time the jury returned to the courtroom, and the proceedings continued as follows:)

THE COURT: Have you gentlemen reached a verdict?

Mr. Shaw (The Spokesman for the jury): Yes, Sir, we have.

THE COURT: Mr. Clerk, will you read the verdict?

MR. COX, THE CLERK: "Not Guilty".

THE COURT: I don't believe that is in accordance with a proper verdict that should be returned. That is not worded properly. Will you Gentlemen of the jury return to the jury room and bring in a correct verdict. You had a form to be used for that. But this is not a complete verdict.

(The jury then again retired to the jury room, and returned shortly thereafter to the courtroom, and the proceedings continued as follows:)

THE COURT: Have you gentlemen reached a complete verdict now? Has your verdict been made in accordance with the form that was given you?

MR. SHAW: Yes, Sir.

THE COURT: Will you give the verdict to the clerk, please, Mr. Shaw. (A paper was handed to the clerk.)

Will you now read the verdict, Mr. Clerk.

MR. COX: "We, the jury, find the defendants: Not Guilty."

(At 3:50 p.m., this date, Court was adjourned.)

(TRIAL COMPLETED.)

CERTIFICATE OF COURT REPORTER

STATE OF MISSISSIPPI)	
)	Certificate
TATE COUNTY)	

I, JAMES T. O'DAY, specially appointed Official Court Reporter for the Seventeenth Judicial District of the State, do hereby certify that the above and forgoing pages of typewritten matter contain a true and correct copy of my shorthand notes, properly transcribed, as taken down by me during the trial in the case of:

STATE OF MISSISSIPPI Vs. J. W. MILAM and ROY BRYANT

Circuit Court, Second District of Tallahatchie County, State of Mississippi.

September Term, 1955 -

As to the best of my ability. Same being a trial and hearing before the Honorable Curtis M. Swango, Jr., Circuit Judge, Seventeenth Judicial District of this State.

I further certify that the foregoing is a true and complete transcript of the record of proceedings as made during the trial of this cause.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official signature, this 28th day of October, a.d. 1955.

/s/ James T. O'Day

Official Court Reporter