

Defendants names
were:

Willie Mitchell
& Woodie Penberton.

I had their names
written on a paper
but can't find my
notes on where the names
were located.

Found in Mis Box

labeled: G-2

We, the undersigned members of
the Grand Jury empanelled to in-
vestigate the killing of Roscoe
Carter by some forty or parties in
this County on the night of the 12th
day of October 1923, beg leave
to submit the following report;
We have had before us and
carefully examined forty ~~four~~ (44)
witnesses from all sections of
this and other Counties, but have
been unable to get sufficient evidence
to make an indictment,
Very Respectfully

J. L. Rouze Foreman

Oct 23

1923

Special

11
Deposition of witness at the School
house near King Queen let House, in the
county of King Queen on the 13th day of Octo-
ber 1923, before me and my jury of in-
quest upon view of body of Horace
Carter there lying dead.

Walter Fleet, being duly sworn, deposes
as follows:

1st Ques. State your name, age residence
and occupation.

My name is W. M. Fleet, age 38, reside
in West Point, Va. and is the Supv of the
Water Works & Chief of Police of West Point.

2nd Ques. Please state if you arrested Horace
Carter and upon what authority.

Ans. Mr. Stucke called me and said that Mr.

R. H. Neum, Constable of King Queen wanted
Horace Carter, and asked me if I knew
where he lived, I went down with Mr.
R. H. Neum, Constable, and arrested Horace Carter
upon a warrant in the hands of Mr. Neum
and turned him over to Mr. Neum -

3 Ques. You have viewed the body upon
this inquest is held, state if the body you
have viewed is the body of Horace
Carter.

Ans. Yes

4th Did you see the warrant.

Ans. Yes.

And further this deposed with not -
W. M. Fleet

W.H. Nunn, a witness of lawful age
after being duly sworn, deposes as
follows:

1st Ques. State your Name, Age, Residence and
Occupation

Ans. R.H. Nunn, age 60, reside in King
Queen County, and am former and
Constable of King Queen County,

2nd Ques. Mr. Wate M. Fleck has testified that
he turned over to you Horace Carter
whom he had arrested for you. State
what you then did with Horace
Carter.

Ans. As soon as we got to the Sargeant's
Office, Mr Fleck got out of the Car, and
Mr H. L. Jones and I started for King
Queen, Crossing the Bridge at West Point
Virginia to the King Queen side and
started up through King Queen County
with Horace Carter, and got along
along with him until we got to
Mitchell's Mill bridge, where we were
held up by a mob, who had guns
and ordered H. L. Jones and I to get out
and beat it up the road, and we beat
it - and went on to the Justice of the
Peace, H. A. Vann, who issued the warrant
and stated to him what happened - and
this morning I went to see the
Commonwealth's Atty and stated to him
what had happened - Mr Jones and I
left West Point some-where about

Sun down, I did not have my watch
And there was a fog in the road
And Mr Jones said he had to drive
slow and we came along slowly,
And Mr Jones remarked that if he had
a horse and buggy that he would
not be able to see it and suggested
that he had better take his time.

3rd Ques. State if you saw or heard any
shots fired.

Ans. I heard them, when I got out
the Car fire, several times -

4th State if you recognized any one in
the Mob, either by looks or voice,

Ans. I did not.

5th How far did you leave them behind
when you were on your way to Mr.
Varis.

Ans. We had not gotten over 25 yards
before they overtook us & passed us

6th You stated that you and Mr Jones
had gotten out of the Car, state if
Horace Carter or his body was in the
Car when you & Mr Jones went back,

Ans. No. it was not.

7th Please state how many Cars passed
after you heard the shooting.

Ans. I don't remember but two -

8th Do you know what was done with
the body of Horace Carter after the Mob
killed him.

Ans. I do not.

9th Did the Mob have on masks or not.

Ans I could not tell - They were standing behind the Car -

10th Did you continue to move on when you first got out of the Car.

Ans. I did -

11th Do you think the Cars which passed you were the same Cars -

Ans I did -

12th Did you have any suspicion that you would be held up

Ans No.

13 Did Horace Carter have any-thing to say coming along -

Ans He did not, except spoke of the fog -

14th When and where did this happen

Ans I could not say what time it was, but it was in the early part of the night, and near the Court House in King & Queen County -

15- Your Car was standing in the track, and in order to put his body in the ditch, it was necessary for it to be put in there, was it -

Ans Yes -

And further this deponent saith not.

R. H. Munn Const

H. L. Jones, a witness of lawful age after being duly sworn, deposes as follows:

1 Ques State your name, age, residence & occupation -

Ans My Name is H. L. Jones, 33 years old,
Reside in King & Queen County and
am engaged in the Lumber business.

2nd Ques. Please read the depositions of R. H. Nunn
or have them read to you, and state if
you corroborate what Mr Nunn has
stated in his depositions, if not state
wherein you differ from him.

Ans. In the main I corroborate what Mr
Nunn has stated, but I think we had
gotten about 75 yards up the road
when the two cars passed us - and
I think it was a little after sun down
when we left West Point with Horace
Carter.

3rd Ques. Did you recognize any one in
the mob by looks or voice

Ans. No. I did not.

4th Are you in the Car that you used
last night -

Ans. I am.

5th When you went back to get the car did
you see any one, or the body of Horace
Carter.

Ans. No.

Further this deponent saith not.

H. A. Van, a Witness of lawful age
after being duly sworn deposes as
follows:

1st Ques. State your Name, Age, Residence &
Occupation.

My Name is H. A. Van, 69 years old.

I reside in King & Queen County and am
a Justice of the Peace of King & Queen
County

2 Ques. State if you issued a warrant directed
to R. H. Neuman, Const. for the arrest of
Horace Carter, if so please file
the warrant with your depositions.

Ans. Yes I issued a warrant & do hand
the said warrant to Coroner in this
matter.

Further this deposes with No. 1.

H. A. Varn

Dr. W. S. Cox, a witness of lawful age,
being duly sworn, deposes as follows:

1- Ques: State your age name and residence?

Ans W. S. Cox, 37, Shackelfords, Va; Physician.

2 Ques: State if you examined the body of Horace Carter,
and if so, how did he come to his death?

Ans Yes, examined his body and he came to his death
by bullet wounds, inflicted by parties unknown.

3^d Ques: How many bullet wounds did you find and in
what part of his body?

Ans We found ten bullet wounds, five in the face
and head, four in the chest and one in the back.

4th Ques: What single wound would have proved fatal?

Ans. Three entered the brain, either of which would have proved fatal.

Further this deponent saith not.

W. S. Cox, M.D.

Dr. Thos. Patane, a witness of lawful age, being duly sworn, deposes as follows:

Ques. 1 State your name, age, and occupation and residence?

Ans Thomas B. Patane, 57, Physician, and reside in King & Queen County.

Ques 2. Have you read the evidence of Dr. W. S. Cox, if so, do you concur in the same?

Ans: I have read and do concur in the evidence mentioned.

Further this deponent saith not.
Thos. B. Patane

~~Being~~
B. J. Taylor, ^{witness of} a lawful age, being duly sworn,
deposes as follows:

Ques 1- State your name, age, residence and occupation?

Ans. B. J. Taylor, 40, King & Queen C.H., Va., Lumber Dealer.

Ques. 2: Were you held up last night, at or near the foot of Mitchell Ave? and if so, state what occurred?

Ans. Yes. A man walked to my car and told me to stop. He looked in the car and saw me and said "go on sir"

Ques 3 Could you identify the man either by form or voice

Ans. No sir.

And further this deponent saith not.

B. J. Taylor

Virginia:

King & Queen County, to-wit:-

To the Sheriff or any constable of King & Queen County,

You are required to summon six jurors of the County of King & Queen, to attend before me, an acting coroner of said county at King & Queen Court-house, in said County, at a house formerly used for a public school, ^{at 10 1/2 acres #111 Oct-13, 1923,} to inquire, upon the view of the body of Horace Carter, there lying dead, when, how and by what means he came to his death.

Given under my hand this 13th day of October, 1923.

Joseph Ryland J.P.
Acting Coroner.

Virginia

County of *King & Queen*, to-wit:

To *A. H. Tamm*, a Constable of the said County

WHEREAS, *H. Payne Crouch*

of the said County has this day made complaint and information on oath before me

H. P. Tamm, a Justice of the said County, that

Horace Carter, in the said County did on the

day of *May*, 1921 *violently and against*

his will by force feloniously ravish and carnally
ally *knowing* *Horace Crouch, his wife, the said*
Horace Crouch, then being fourteen years
old and more than of the age of thirty years

These are, therefore, in the name of the Commonwealth, to command you forthwith to apprehend and bring before me or some other Justice of the said County, the body

of the said *Horace Carter, at Washington*, to answer the said

complaint, and be farther dealt with according to law; and you are also directed to summon

as witness.

Given under my hand and seal, this *1st* day of *October*, in the year 192*3*

H. P. Tamm, J. P. [L.S.]

Commonwealth

vs.

ARREST WARRANT

Horace Carter

Executed the within
warrant by reading
the within warrant
to Horace Carter
and arrested him
and started from
West Point, Virginia
with the accused to
carry him before H. A.
Vann, J.P. and M. H. D.

Jones was made Special
deputy to assist me
with the accused, and
we were held up by a
mob with guns about
1 mile from King Queen
C.N. and the mob took
the accused from us
Killed him -

Given under my hand
this 14th day Oct. 1923

H. D. Vann const.

George Garnett Prunyer a witness of lawful age, being first duly sworn, deposes as follows:

Ques. 1 State your name, age, residence and occupation?

Ans. George Garnett Prunyer, 21 years, King of Queen City, Va., and am a saw mill hand.

Ques 2. Please state, if you were held up, at or near Mitchell Wheel Bridge, and if so, what occurred?

Ans. Yes. Mr. B. J. Saylor was ahead, they told him to drive ahead, then one man came to my car and looked in and told me "to go ahead."

Ques 3 Did you know the man, or would you know him if you saw him again, and how many did you see?

Ans: I did not know him and do not think I would know him if I saw him again. I saw three men two were colored and one white.

Ques 4: Could you tell whether they were really colored or blacked up?

Ans. I could not tell, but believe them really colored.

And further this deponent can't not:

G. G. Prunyer

County of King & Queen, to wit:

An inquisition taken at a school-house
in King & Queen County, near the Court House,
in said County on the 13th day of October 1913,
before Joseph Ryland

A coroner of said County, upon view of the
body of Horace Carter, there lying dead.

The Jurors sworn to inquire when, how, and
by what means the said Horace Carter came
to his death, upon their oaths do say that
the said Horace Carter came to his death
by bullet wounds inflicted in the hands
of parties unknown.

Joseph Ryland Acting
coroner,

W. G. Zeane & L. L. Loman

W. H. Shanks

Coleman Holmes

Geo. A. White.

J. P. Fary

H. J. Crutcher -

The Commonwealth of Virginia,
To the Sheriff of the County of
King & Queen, greeting:-

We command you that you
Summon J. H. Coulbourn, Irving Carlton, C. H. Oliver,
and Leonard McGeorge, ^{R. H. Hyams, & Henry Jones,} to appear before me,
an acting Coroner of said County, on the 13th day
of October, 1923, at 10 o'clock, ^{at King & Queen City} A. M., to testify
at a coroner's inquest then and there to be held
upon the body of one Horace Carter, there lying
dead.

Given under my hand this 13th day of October
1923

Joseph Hyland J.P.
Acting Coroner.

Inquest of
Horace Carter

Sum. for Witness

Executed by summons
ing R. H. Munn, Henry
Jones & C. H. Oliver to
appear before the
inquest jury and
evidence in death
of Horace Carter.

By order of inquest
jury & Commonwealth
Attorney the others were
not summoned because
they only saw the dead
body on the road.

W. H. Curbish Sheriff
Oct. 13, 1923.

Dear Mr Hall

Rice Court
Oct 16th 1923

Please have summoned
as witnesses to go before a Special
Grand Jury of the Circuit Court to be
held at the Ct. House, next
Monday the 22nd inst, J. P. Fay,
W. G. Beane Jr. Caulton & Holmes
(the two Coronors jury) Moran & Spoker
George White, B. T. Taylor - -
Tyrmer (the whites before the coroner's jury)
H. L. Jones, R. H. Nunn, Joseph
H. Land, N. A. Wason, J. S. S.
Cox, T. B. Latane, Leonard Mc
George, W. Payne Crouch, J. L. V.
Jones, Walter Reynolds, Charley
Sturke & Walter M. Fleet of West Point.
We expect to have a Special
Term of the Circuit Court to investi-
-gate the killing of Horace Carter -
Add to your list Edward Coleman of
Walkerton - ^{and E. G. Walker, Richmond.} Yours very truly
J. M. Fleet.

We, the undersigned Members
of the Grand Jury empanelled
to investigate the killing of Horace
Carter by some party or parties
in this County on the night of
the 12th day of October 1923,
believe to Submit the follow-
ing report: We have had,
before us and Carefully Examined
forty-seven (47) Witnesses from
all sections of this and other Counties
but have been unable to get
Sufficient Evidence to make
an indictment - October 25th
1923 - Very Respectfully -

J. L. Rouzie, Foreman
A. G. Dutton

& P. J. Watkins

Alfred P. Gwathmey
John L. Curbank
J. A. Coulbourn
Geo. W. C. Coker
P. J. Watkins
C. H. Oliver.

Inquest of Horace Carter -

Costs -

W. H. Eubank Sheriff		1.50	Paid
W. G. Bean Juror		1.00	no charge
M. H. Sparks "		1.00	no charge
Coleman Holmes "		1.00	pd
Geo. G. White "		1.00	no charge
J. P. Fary "		1.00	pd
W. T. Caution "		1.00	pd
Geo. Ryland Coroner		3.00	pd
Thos. B. Patane M.D.		5.00	Paid
W. S. Cox M.D.		5.00	Paid H.C. Free
Walter Fleet Witness	50¢	1.70	1.70 Paid
R. H. Nunn "	50¢	1.20	1.70
H. L. Jones "	50¢	1.40	1.90 pd
H. A. Van "	50/120	1.70	pd
B. J. Saylor "		50	
G. G. Sumner "		50	
	Price	\$ 30.00	\$ 28.00

~~J. P. Fary Transporting Body~~

Virginia:
 At a Special term of the Circuit-Court, held for the
 County of King & Queen, at the Court-House thereof, on Monday,
 October 22, 1923,

Present:

Hon. J. Turner Clement, Judge of
 the Seventh Judicial Circuit.

Commonwealth of Virginia

To All to Whom These Presents Come - Greeting:

Know Ye, That I, E. Lee Smith, Governor of
 the Commonwealth of Virginia, by virtue of authority vested in me
 by law, do hereby designate Hon. J. Turner Clement, Judge of the
 Seventh Judicial Circuit - to hold Special term of the Circuit-
 Court of the County of King and Queen, beginning the 22nd day of
 October, 1923, for Hon. Blaggett B. Jones, Judge of the Seventh
 Judicial Circuit, who is ill and unable to hold this term of
 his Court.

Given under my hand and the Lesser Seal of the Commonwealth
 at Richmond, this 18th day of October, in the year of our Lord one
 thousand nine hundred and twenty-three, and in the 14th year of the
 Commonwealth.

E. Lee Smith

Governor of Virginia

By the Governor:

B. O. James

Secretary of the Commonwealth



J. L. Rouze, Foreman, J. H. Coulbourne, Jas. A. Eubank, George W.
 Book, W. L. Dobbins, Oliver, S. G. Sutton, Henry P. Taylor, W. P. Gwathmey
 and P. J. Watkins, were sworn a special grand Jury of inquest for the
 body of this County, and having received their charge, withdrew, and
 after some time returned into Court, and not having concluded their
 investigations, were adjourned until to-morrow.

Ordered that Court adjourn until to-morrow
 J. T. Clement

Common Law Order Book 6,
 Pages 106 & 107

Tuesday, October 23, 1923.

Present as on yesterday.

The special grand jury, sworn on yesterday, appeared according to their adjournment, and then the said special grand jury not having completed their investigations were adjourned until to-morrow.

Ordered that Court adjourn until to-morrow.

J. T. Clement

Wednesday, October 24, 1923.

Present as on yesterday.

The special grand jury, again appeared according to their adjournment, retired to their room for further investigation, and after some time returned into Court, and not having concluded their investigations were adjourned until to-morrow.

Ordered that Court adjourn until to-morrow.

J. T. Clement

Thursday, October 25, 1923.

Present as on yesterday -

The special grand jury again appeared according to their adjournment, retired to their room for further investigation, and after some time returned into Court and submitted the following report, to-wit: "We, the undersigned members of the Grand Jury empaneled to investigate the killing of Horace Carls by some party or parties in this County on the night of the 12th day of October, 1923, beg leave to submit the following report: We have had before us and carefully examined forty-seven (47) witnesses from all sections of this and other Counties but have been unable to get sufficient evidence to make an indictment, October 25th, 1923. Very Respectfully, J. L. Rozie, Foreman, S. G. Sutton, H. P. Taylor, Alfred P. Gwathmey, John A. Eubank, J. H. Coulburn, Geo. W. Cross, O. W. Watkins & H. Oliver, which said report is ordered filed. Having nothing further before them, were discharged."

Common Law Order Book 6,
Page 107