

# Lynching, the Law, and Local Opinion: The 1922 Murder of Will Jones

BY

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In April 1922, Judge Andrew J. Cobb, in his annual address as president of the Georgia Historical Society, departed from traditional reflections on the past to issue a warning about “things that are now transpiring... which will make history.” He condemned Georgia’s failure to fulfil its duty under the 14th Amendment to guarantee “to any person within its jurisdiction the equal protection of the laws” by protecting citizens against lynch mobs. Cobb believed lynching was so endemic in parts of the South that it was an open invitation to the federal government to intervene “to avert anarchy.” His audience would have known he was referring to the Ku Klux Klan when he denounced men who “terrorize the sound or are so blatant in their voice as to silence those who are sound.” Unless there was a change in the behavior of “men and groups of men in Georgia to-day who do not hesitate to commit murder by lynching in utter defiance and supreme contempt of State authority,” Cobb predicted, the US Senate would pass the Dyer federal anti-lynching bill, which the House of Representatives had approved three months earlier.<sup>1</sup>

This was brave talk: few white Georgians saw the Dyer Bill as beneficial — not even those who campaigned against lynching and agreed the national government had the power to impose such laws. The Reverend M. Ashby Jones of the Commission on Interracial Cooperation (CIC), based in Atlanta, thought federal legislation would be a humiliation for the South: “It will not help, it will only hurt.” He feared it would “rob us of our democracy, and steal from us the precious privilege of voluntarily rendering justice to the weak.” The bitterest critics of the bill, such as the editor of Decatur County’s *Bainbridge Post-Searchlight*, invoked old myths about the causes of lynching and foresaw southern disorder:

“The Dyer bill which puts a premium on rape and is an all around darn fool bill has passed the house, but may die in the senate. It had better die there for it will surely cause another revolution as sure as shooting. The idea of that old hatred towards the south being able to bring to life such an abortion as this thing is. The streets of the south will run with blood if any such fool thing is ever attempted in enforcement. Maybe some day the fools and the ismists will learn some sense.”<sup>2</sup>

Judge Cobb noted that no lynch mob member had ever been punished in Georgia, but he detected “a slight ray of hope” in two cases that came to court in 1922 after unusually detailed investigations in their respective counties. He did not name them, but he was referring to the indictment and attempted prosecution of four white men following the killing of three black men near Watkinsville in Oconee County in December 1921, and the warrants issued for the arrest of nine white men after the death of a black farmer named Will Jones near Ellaville in Schley County, in February 1922. The Oconee County charges led to a trial that quickly collapsed, but — remarkably — by the time Cobb’s speech appeared in the *Georgia Historical Quarterly* in September, three white men had been convicted in Schley County and sentenced to prison terms for their part in Jones’s killing, with further trials pending.<sup>3</sup>

Convictions for participation in a lynching were extremely rare. In 1933, University of North Carolina law professor James Chadbourn calculated that between 1900 and 1930, 0.8 percent of lynchings were followed by the conviction of anyone involved for any offense. Between 1865 and 1921, there had only been one indictment for lynching in Georgia, but in 1922 there were twenty-two indictments for mob violence and a handful of convictions, although none was for murder. Convictions were always unlikely, therefore, but during the 1920s anti-lynching campaigners argued that getting participants in mob violence into open court was an achievement in itself. The gradual transformation of regional attitudes towards

racial violence, particularly lynching, is sometimes associated with the influence of urban progressivism in the South and a political wish to fend off federal jurisdiction, but middle-class interests in rural and small town communities also played a part by taking meaningful, if limited, action to prevent or punish lynching; in so doing, they demonstrated that the *Atlanta Constitution*'s belief that the practice had to end, for a mixture of economic and reputational reasons, was widely shared.<sup>4</sup> As the historian W. Fitzhugh Brundage has noted in relation to Georgia, "The accelerating shift from outright glorification of mob violence to defensive embarrassment can be traced across the early twentieth century."<sup>5</sup>

Evidence of this shift in attitude and behavior was demonstrated by the extraordinary proceedings in Schley County in 1922–23. While it is tempting to attribute this change to the sobering effects of the Dyer Bill, or the appeals of men like Judge Cobb and governors Hugh Dorsey and Thomas Hardwick, such explanations would be misplaced. The response to the murderous assaults suffered by Will Jones in particular sprang from the kind of intricate local relationships and social tensions inherent in white supremacy. Described by the sheriff of Schley County as "a pretty badly mixed-up affair," Will Jones's awful death and its aftermath invite an examination of race, class, and governance in the dozens of smaller counties created in Georgia between 1850 and 1924, and may suggest some of the reasons why lynching eventually declined.<sup>6</sup>

The enormous growth in interdisciplinary research and databases on lynching in the last thirty years, by scholars such as Brundage, Michael J. Pfeifer, Christopher Waldrep, Ashraf H. A. Rushdy, and Claude A. Clegg III, has resulted in the creation of useful typologies of mob murder and the scripts that such tragedies tended to follow. Their categorizations vary to a degree, but are exemplified by Brundage's quartet: terrorist mobs, private mobs, posses, and mass mobs. (The night-time and day-time phases of Will Jones's murder elided the first and second of these categories, and perhaps this made his lynching

easier for others to condemn.) Scholarship and new data have revealed variations in sub-regional values and standards of law enforcement and governance, immense African American resilience, and layers of white complicity and censure occasioned by racial violence.

Numerous definitions of lynching have also been offered, although none has improved on the succinct formula put forward in 1899 by the leading African-American cleric Francis J. Grimké: “What is lynching? It is the summary execution of an offender, or supposed offender, without due process of law, by a self-constituted and irresponsible body of men.”<sup>7</sup> In recent years, increasingly holistic academic approaches have suggested deeper meanings and patterns in mob murder in southern history, and the potential limitations of case studies have been pointed out, but anyone examining a single lynching, or a group of lynchings, in fine detail is struck by the peculiar and decisive ways in which specific factors — the legacies of local history, degrees of familiarity between mob members and their victims, the transgressions ascribed to victims, and the standing in the community of all involved, black and white — collided at a certain time and place to create another reverberating atrocity.<sup>8</sup>

Formerly Creek Indian land, Schley County was carved out of Marion, Macon, and Sumter Counties in 1857; at 150 square miles, it would remain one of the smallest units in Georgia, with a constant population of five thousand to fifty-five hundred between 1860 and 1950 and a 60 percent black majority. At the start of the twentieth century, the county’s leaders focused on increased farm yields, new investment, better outside communication, and virtuous citizenship. A telegraph line and a Southwestern Railroad spur reached Schley County in 1884, and a telephone connection was made to Americus in 1894. With fewer than a thousand inhabitants, Ellaville gained a large Romanesque revival courthouse in 1900, a monument “In Memory of the Boys in Gray” erected by the United Daughters of the

Confederacy in 1910, and electric street lighting in 1912. By 1922, it was a prosperous small town on the upgraded road from Americus to Atlanta. The debt-free Bank of Ellaville, with cash reserves of \$90,000, paid 8 percent dividends to shareholders, and leading planters began moving into tobacco, dairying, and lumber, relying less on cotton and peaches.<sup>9</sup>

Before the Civil War, slaveholding had been on a modest scale: in 1860, only twenty-one of the 219 Schley County slaveowners held more than twenty slaves, and just three held between fifty and seventy-five; most held fewer than ten slaves.<sup>10</sup> During Reconstruction, political challenges to white supremacy produced reactions that were common throughout Georgia. In 1867, when black men participated in elections, white voters in Schley County boycotted the polls, and when Ellaville became a Klan stronghold, no action was taken by civil authorities. In 1868, nightriders roamed the surrounding area, attacking, driving out, and intimidating those who intended to vote for the Republican Ulysses Grant. Black voters were terrorized between August and October, when fourteen former slaves were whipped, brutally beaten, or shot in Schley County, often by masked men at night; schools created for African Americans were burned.<sup>11</sup> When the county voted to go dry in 1880, the remaining black vote was reported to be “almost unanimously against... the whisky ticket” associated with criminality and racial violence.<sup>12</sup>

In 1890, the boll weevil was discovered in Schley County, prompting farmers to demand heavy taxes on “emigrant agents” seeking to lure black labor away to Alabama for higher wages in mining; the Populist successes in neighboring counties were not repeated in Schley County (despite the rural economic crisis), and black Republican candidates were marginalized.<sup>13</sup> By 1910, the black vote in rural counties of southwest Georgia had been effectively eliminated, and African-American farmers in the Black Belt were powerless. As the historian John Dittmer showed for Schley County’s regionally dominant, larger neighbor, Sumter County (with twenty thousand African Americans, out of the total population of

twenty-seven thousand), only a handful of black voters remained after the General Assembly adopted the 1907 disfranchisement measure. Almost all black voters' rights, along with the votes of many white men, were removed when the state constitution was amended to add descent from a Civil War veteran or being "of good character" to existing literacy, property, and poll tax qualifications.<sup>14</sup>

In 1904, W. E. B. Du Bois, in a special "Negro Crime" survey for the 9th Conference for the Study of the Negro Problems at Atlanta University, cited a county commissioner's report from Ellaville: "There is no perceptible increase of crime among colored people in Schley county. It has been many years since a trial for murder. Crimes are generally misdemeanors, gambling, selling liquor, fights at Saturday night entertainments, an occasional case for bastardy, seduction, and for stealing little things." These crimes were a recipe for considerable mayhem when disputes arose between black men and white men.<sup>15</sup> In January 1911, a white man died after a disagreement in a store in the "Negrotown" district of Ellaville. The black storeowner was held for his safety forty miles away at Columbus (in Muscogee County, near the Alabama line) for three months before being returned to the jail in Ellaville, where his two alleged accomplices also awaited trial for murder. At midnight on April 7, a mob said to be up to two hundred strong forced the jailer to hand the men over, tied them to pine trees on the edge of town, and shot them to pieces before burning three black lodges, a church, and a school. Despite the efforts of Judge Zera A. Littlejohn of the Southwestern Circuit, who "pleaded with [the grand jury] to find out who the mob were, so that they could be punished to the full extent of the law," no one was arrested. White residents told the *Americus Times-Recorder* (the daily newspaper serving Schley County as well as Sumter and other counties) that the lynchings were "a blot upon Schley county's heretofore splendid reputation... [and] a shame that our people had to be disturbed in any such way," insisting the mob "were not Ellaville people."<sup>16</sup>

The clear message, that any African Americans using force against white people faced brutal reprisals, was constantly reinforced by events in surrounding counties. For example, in August 1912, a fourteen-year-old African-American boy was shot dead within minutes of a Columbus jury convicting him of manslaughter for shooting a white playmate. Local middle-class protestation resulted in four white men, including three of the white boy's relatives, being tried for conspiracy to commit murder, but another jury found them not guilty in less than half an hour.<sup>17</sup> In October 1912, a prisoner seized from the Sumter County sheriff near Oglethorpe was hung from a bridge and shot dead; and in June 1913, twenty-four-year-old Will Redding, who killed the Americus police chief while resisting arrest, was dragged from the city jail, strung up on a street corner, and shot dead by the crowd. John M. Collum, a prominent white Schley County farmer and principal of Third District Agricultural and Mechanical School (later, Georgia Southwestern University), told Booker T. Washington that Redding's lynching was, "possibly, the most disgraceful affair that has at any time occurred in any part of the whole country." Despite Littlejohn's attempt to secure indictments, the Sumter County grand jury found no one who would identify Redding's assailants; it seemed to Collum that law enforcement was feeble and race relations were dire, "even in Schley County."<sup>18</sup>

In the decade that followed the 1911 lynchings at Ellaville, Schley County lost nearly two hundred black people, but this was a small decline in the context of the first Great Migration and was reversed in the 1920s. In 1920, 59 percent (3099) of the county's 5,243 inhabitants were African-American (the population of Georgia was 42 percent black), and this was reflected in the racial composition of the families living on Schley County's 833 farms, 54 percent (450) of which were operated by African Americans. The 416 black tenants greatly outnumbered the 197 white tenants, just as the 182 white farm owners outnumbered the thirty-four black farm owners. Thus, only 16 percent of the owner-operated farms in

Schley County were held by black families, which was consistent with the statewide percentage but lower than in cotton-growing parts of neighboring counties, such as Marion and Taylor counties.<sup>19</sup>

Scattered across remote farms and clustered on the outskirts of small settlements, black families in the rural South were vulnerable to the economic and racial tensions occasioned by the postwar collapse of cotton prices and the growth of the Ku Klux Klan. In October 1920, the southern press described secretive groups from Texas to South Carolina threatening to burn cotton fields and gins if farmers allowed the new crop to be picked or attempted to process it. In Schley County, black people reportedly believed that the Klan was responsible for damage to local cotton gins, but, in fact, the Klan does not appear to have been an overtly threatening presence in the county, unlike elsewhere.<sup>20</sup>

Mark Schultz, in pioneering work mainly on black-majority Hancock County, found that black and white farmers in Georgia often knew each other intimately and could coexist easily enough, so long as black people avoided conflict, observed racial etiquette, and did not react to abuse. Despite segregation and white supremacy, personal relationships in many communities played a large part in daily life, and black and white people who were related to each other, or whose economic standing was comparable, might acknowledge, protect, and assist each other in various ways that stretched the normal rigidities of Jim Crow.<sup>21</sup> Black families who acquired land or succeeded as tenants could suffer intimidation, but their economic progress could also earn the respect of powerful white people who might protect them, and strong local reactions against mob violence became more likely when the victims were perceived to be useful, inoffensive members of their communities. Thus, while some victims belonged to a newly prosperous element in the rural population, most of the men and women targeted during the 1920–25 wave of lynching continued to be poor and sometimes

transient — the class doomed, according to Du Bois, to be the “plaything of mobs” and easily demonized in the white press.<sup>22</sup>

Local power structures and manners in small counties were also affected by how elected and appointed officials saw their duty; these were the commissioners, ordinaries, and probate court judges, sheriffs, deputies, and town marshals, as well as the judges and solicitors-general of the superior court circuits. The degree of protection afforded black people when violence or intimidation occurred, and the vulnerability to arrest of white perpetrators, could therefore vary according to the reputations and independence of these key officials. Dittmer’s formula for the immunity normally enjoyed by lynch mobs in autonomous small counties runs as follows: “The “good old boys” who elected the county sheriff and judge were the same men who did the lynching. No sheriff or judge lost an election for failure to prevent a lynching or convict the lynchers. The member of the mob felt confident that no law officer would harm him, nor would any jury of his neighbors convict him.”<sup>23</sup> In Schley County in 1922, however, those assumptions were called dramatically into question when racial violence landed three white men in prison.

Will Jones was a twenty-eight-year old, illiterate, successful sharecropper who farmed land near the Fellowship and Lowe communities in the eastern part of Schley County. His death appears in all lists of southern lynchings and some historians have noted his purported transgressions and the assiduous judicial response to his murder, but few have looked closely at these events.<sup>24</sup> At the time, two explanations for Jones’s murder appeared in the press. The least frequently cited was that, as a sober industrious man, Jones had “threatened to report certain of his white neighbors for making whisky.” The other was that Jones had expressed open disapproval of his neighbors bragging about their plan to whip a young black man for propositioning a young white woman to whom these neighbors were related. Jones was

supposed to have said it was a trivial matter and that if any white man came looking to whip him on such a pretext “he would do his damndest to kill him.”<sup>25</sup>

Both explanations may have been true, but only the latter featured in the court proceedings, when it was dangled by the defense as an implicit justification for the assault on Jones. The consequences of this alleged encounter between a black man passing through Schley County and a white woman, as both a trigger for Jones’s murder and an excuse for those who were accused of attacking him, showed the constant alertness of rural white society to any hint of interracial sexual impropriety and particular anxiety over black male sexuality, which the historian Claude A. Clegg has called “a rape complex.”<sup>26</sup> Historians have noted continuous fear in this regard from the colonial period onwards, with an apparent peak in the late nineteenth century, but scholars including Diane Miller Sommerville have suggested that — despite this being “a time when white southerners were convinced that black men posed a unique sexual threat to white women” and the tendency of white men to indulge in what she calls rhetorical “racial performance” — a more complex pattern of judgments may have prevailed. In work on Virginia for the period 1900–1960, Lisa Lindquist Dorr has also argued that racial reflexes were not automatic, and that white communities could consider allegations on their separate merits, weighing the culpability of those accused of sexual crimes on the basis of their reputations, local connections, and other factors.<sup>27</sup>

Although the killing of Will Jones flowed from an accusation that was not remotely as serious as rape, his death and its aftermath entailed some of the fears, rhetoric, and reflexes that Sommerville and Dorr discuss. The variety of white reactions — ranging from the attitudes, behavior, and statements of the men who attacked Jones and the exculpatory things said on their behalf by some residents of the county, to the determination on the part of other white citizens to see his killers identified, captured, and convicted — showed that in Schley

County in the 1920s, at least, there was no unified mentality dictating that white people's rights, security, and emotions superseded those of black people in all circumstances.

On Sunday, January 29, 1922, Jessie Mae Devane, the twenty-one-year-old wife of white tenant farmer Johnnie Harrison Devane, told her family she had been "accosted" and "mocked," as the *Americus Times-Recorder* put it, by Floyd Flournoy, a twenty-six-year-old African-American farm laborer from the Tazewell district of Marion County, to the west of Schley County. This incident, on a road near her home, allegedly consisted of "the negro inviting her to ride in his buggy and alighting in a threatening way when she refused." Immediately, a posse set off after Flournoy, arrested him, and took him to the jail in Ellaville, whereupon Schley County sheriff Robert E. Battle removed him to the jail in Columbus to avoid a lynching.<sup>28</sup>

Two weeks later, on the night of Sunday, February 12, a gang of white men, some of them intoxicated, surrounded Will Jones's house. They included Jessie Mae Devane's father, Henry Clay Harvey, her husband's older brother, Bennie Lorenzo Devane, and the latter's brother-in-law, twenty-two-year-old Henry Lewis Fulford. Both Will Jones and Henry Harvey rented their farms from Fulford's widowed mother, Dora Fulford; Bennie Devane rented in the western part of the county and was visiting the Fulfords that evening. Intending to punish Jones for what they saw as his impudence in questioning their intentions toward Flournoy (who was still in jail), the men tried to persuade Jones to open his door in a cajoling fashion suggestive of a whipping party, rather than premeditated murder. When Jones made a run for it, matters escalated. As Jones left the house, he sustained a bullet wound in his side, before retaliating with his shotgun and hitting Bennie Devane and Henry Harvey with buckshot. This departure from black submissiveness made Devane's and Harvey's relatives and acquaintances determined to hunt down Jones and kill him.<sup>29</sup> Such a pattern, whereby black resistance to sudden threats or actual violence produced yet more forceful and

collective acts of white revenge that could culminate in a lynching, was repeated across the South. It had led to notorious mob murders in 1921, such as those of Henry Lowery in Mississippi County, Arkansas, and Aaron Birdsong in Oconee County, Georgia.<sup>30</sup>

With the help of black neighbors and a full moon, Jones made it to the home of a white landowner, Robert Seaborn Allen, who smuggled him away by car to farmland a few miles to the south, between the La Crosse settlement and the Sumter County line where two of Jones's uncles lived. On the way back through Ellaville, Allen told merchant Cullen Lazarus Battle, the sheriff's cousin, what he had done. Early the next morning, a mob of white farmers and their sons scoured the area around the Fulfords' land, egged on by two of Bennie Devane's brothers, Jessie Mae's husband, Johnnie Harrison Devane, and his older brother, Arthur Lee Devane. When Cullen Battle let slip they were looking in the wrong place and who had moved Jones, the mob kidnapped Allen at gunpoint and forced him to reveal Jones's hiding place. At 9 o'clock on Monday morning, the mob discovered Jones hiding in a farm outbuilding, shot him several times, and left him for dead by a road, where he was found still breathing by County Commissioner Joe B. Williamson and the mayor of Ellaville, Rogers Williams, who telephoned the sheriff.<sup>31</sup> Sheriff Battle and his deputy, Marshall George Dillard, collected Jones shortly after midday, two hours after they were informed; they claimed Jones said nothing before he died. Battle, who was trying to work out what had happened the night before at Jones's house, had already told the *Americus Times-Recorder* it was "a pretty badly mixed up affair." He played down any suggestion that Jones was the victim of a pre-planned murder, pointing out that his hands were not bound or handcuffed, giving "no indications of an organized lynching party" — even though the number of wounds to his body suggested several killers. Battle also claimed Jones could have sustained all his injuries elsewhere, and that no one heard any shooting. This was contradicted by other witnesses: Allen watched Jones being shot and the mayor and county

commissioner were alerted by the fusillades that flushed Jones from his hiding place and then felled him. Williamson and Williams spoke with Jones while waiting for the sheriff, allowing him to name several people who had attacked him at his house and near La Crosse.<sup>32</sup> A tall, well-built man, Jones did not die until 5 o'clock on the Monday afternoon in the jail at Ellaville, where an autopsy carried out by the county physician gave the cause of death as "Wounded by Pistol Bullets."<sup>33</sup>

The aftermath of the lynching was marked by highly contradictory accounts given by different camps of white residents. The *Schley County News* reported Jones's death on February 17 with the headline, "A Deplorable Tragedy," and covered the prosecution process approvingly over the following weeks.<sup>34</sup> Other initial reports carried by papers in nearby counties portrayed Jones as the villain and aggressor. The *Daily Times-Enterprise*, of Thomasville in Thomas County, stated, "Jones is suspected of having attempted to assassinate Bennie Devane and Henry Harvey, respectable white farmers," and that "Harvey was shot out of the darkness." The *Times-Enterprise* made a perverse connection with Flournoy's exchange with Jessie Mae Devane, claiming, "The incident is said to have stirred up considerable feeling among white residents and certain negroes of the neighborhood and is believed to have resulted in the assassination attempt of the two white men." The newspaper implied that if Jones had been captured, instead of fatally wounded near La Crosse, he would have been lynched in Ellaville: "A considerable crowd gathered in Ellaville when it became known that Jones was being brought in to be placed in jail, but when it was announced that he was in a dying condition interest in him disappeared completely."<sup>35</sup> The *Atlanta Constitution* (edited and managed by Clark Howell, who supported the CIC's anti-lynching campaign) gave the story a different slant. Referring to "information, the authenticity of which has been thoroughly established," the *Constitution* reported that Harvey was shot "while prowling about the dead negro's yard Sunday night," and that several of the assailants were drunk.<sup>36</sup>

The *Americus Times-Recorder* closely covered Jones's death and its consequences, siding with "the better element" of the community, who were "very much stirred up and outraged over the lynching, which many feel was unjustified and unprovoked, and has given this usually law abiding county a black eye."<sup>37</sup>

Jones, who had progressed from farm laborer and railroad worker to tenant farmer, was reportedly known as "a hard working, law-abiding negro throughout Southern Schley County. He had a sum of money on deposit in one of Ellaville's banks, owned an automobile and was well liked." His supposed offense was said to be no more than "harmless" remarks to the effect that Flournoy "should have stayed out of trouble; I have always kept out of trouble and he should have kept out, too." The *Americus Times-Recorder* called Jones a "worthy negro farmer" who demonstrated "thrift, honesty and intelligence and the application of those virtues which the white man teaches make good citizens and which all of them should practice." He was lynched, it said, "without provocation... [for] an innocent remark," leaving the majority of Schley County residents "demanding the outrage be punished." These were unusually direct and critical comments for a white newspaper to make concerning a lynching.<sup>38</sup>

On the evening of Jones's death and all the next afternoon, a rapidly-selected coroner's jury of townspeople heard testimony from white and black witnesses, including some who had watched the final shooting. The jury implicated seven named men in the killing: white farmer George Trussie Phillips; Arthur, Bennie and Johnnie Devane; their brother-in-law, Clarence Robinson; Jessie Mae Devane's father, Henry Harvey; a neighbor, Thomas Brown; "and two other men to the jury unknown." The latter pair were furloughed soldiers from Fort Benning camping in an abandoned house, who, according to the *Atlanta Constitution*, "joined the mob through a spirit of excitement and adventure [rather] than because of any interest they held in the lynching of the negro." The jury returned a sealed

verdict, but the coroner, Uriah Rigsby, told a reporter to expect “sensational disclosures” and that those responsible faced murder charges. Claiming that upwards of twenty-five witnesses appeared, newspapers obtained some of their testimony and revealed that Sheriff Battle intended to arrest numerous white citizens, whose names all appeared in the press. In fact, the criminal warrant issued by the coroner’s jury named only nine witnesses for the state. They included four black people: Will Jones’s wife, Sallie; his uncles, John Teal and Lucius Hart; and his neighbor, Eugene Williams; and five white people: county physician Dr. J. R. Jordan, Dr. W. A. Reynolds, Robert S. Allen (who was Williams’s landlord), County Commissioner Joe B. Williamson, and Cullen Battle.

Allen’s evidence, in which he described helping to hide Jones, being seized by the mob, and watching the shooting, was regarded as “the most sensational testimony.”<sup>39</sup> The black witnesses were also “said to have given testimony of sensational importance, regarding the death of Jones, and a number of them are declared to have identified several members of the mob.” Large parts of this reported testimony were ultimately confirmed in court.<sup>40</sup> The mob’s hunt for Jones, his execution, and the zeal with which county officials now seemed to be pursuing his killers were widely reported across the South.<sup>41</sup>

Sheriff Battle was given specific instructions on February 14 to arrest and hold the accused men without bail and seize enough of their property to cover his costs, with the usual injunction, “Hereof fail not.” He was slow to act, complaining the warrant was improperly drawn, and that the mark made by the coroner — who was nearly blind — was unwitnessed. Battle returned empty-handed the next day, all the indicted men having absconded, except for the two Jones had shot. Bennie Devane was arrested at home on February 16 and placed, bandaged on one arm and hand, in a cell with black prisoners in the jail at Ellaville. He was described by the *Atlanta Constitution* as the “spokesman for the lynchers,” but rebuffed attempts by journalists to interview him in jail, telling them to wait for the trial. Henry

Harvey, more seriously injured with buckshot in his back and arm, was guarded at home by a bailiff until the latter was scared off by Harvey's friends. When Harvey handed himself in a week later, Sheriff Battle advised reporters that he was "a good man."<sup>42</sup>

Battle was reduced to alerting his counterparts in other counties to look out for the fugitives, while the Schley County commissioners offered rewards of \$100 regarding the mysterious soldiers. Despite common knowledge that George Phillips, who owned a farm in Schley County, had been seen at his family home in Macon County, no arrests occurred for several months. Battle's conduct of the investigation created a wave of suspicion and criticism, whipped up by the *Americus Times-Recorder*, which declared, "The eyes of Georgia and the nation are on Schley county at this time. She is on trial. And the verdict is in her own hands." In a report and editorial headlined, "Schley Citizens Seek Sheriff's Removal" and "Schley County's Indignation," the newspaper lambasted Battle on five counts: for not going to Jones's aid until two hours after he was shot by the mob; for allowing men to assemble unmolested in Ellaville before and after the lynching "with guns strapped on them openly"; for allowing the soldiers to leave "on a government motorcycle" the day after Jones was killed; for not attending the coroner's inquest; and for being seen "in earnest conversation for some time in an Ellaville garage" with the Devane brothers' father, Joe L. Devane, after the arrest warrants had been issued. The *Times-Recorder* considered Battle "anything but diligent," charging that "because of his negligence, either wilful [*sic*] or through sheer inefficiency, [he] has permitted men to escape from under his very nose." Some Ellaville residents suspected Battle had helped the men escape and predicted the grand jury would remove him at the next superior court session. He had been re-elected to a four-year term in 1920, but his critics claimed he was more interested in his farm, was "incompetent and inefficient," and was put through by "the whisky ring" after a three-way split in the law-and-order vote at the primary. (Battle won the election by twenty votes, with

159 votes out of 489 cast; George Phillips also ran, gaining just thirteen votes). One prominent citizen, asking not to be named, stated, “Virtually we have no sheriff, or worse than none... Most of our lawlessness and crime come from the lack of any efficient enforcing officers. The bootleggers and liquor makers know they will not be touched and work openly.” Another spokesman for “the better element” promised “a clean-up,” calling the lynching “the most outrageous thing that has ever happened in Georgia.”<sup>43</sup> (Several judges and county commissioners in Georgia had called for the power to oust ineffective peace officers, but it remained one of the few states with no such law.)<sup>44</sup>

A leading African-American weekly, the *New York Age*, saw the stand taken by the *Americus Times-Recorder* as evidence that powerful southern elements were confronting the lynching problem and the traditions behind it, noting that Jones was a “thrifty Negro farmer and good citizen,” and that his killing had “aroused intense indignation.” The *Age* considered that public outrage over the lynching and growing criticism of Battle’s attitude, combined with “plain speaking by Southern editors[, showed] that Southern sentiment is getting straight on the subject of lynching. Whether it is strong enough to stop lynching of its own accord is the question. In the meantime, the remedy offered through the Dyer bill should help the South to purge itself of this growing menace.”<sup>45</sup>

The chief counsel for Bennie Devane and Henry Harvey, Americus lawyer Zach Childers, resisted the state’s attempt to try all the accused men together, knowing that evidence presented in one prosecution could help defendants in subsequent trials. Childers said the missing men from Schley County would surrender “at the proper time,” without being specific, and claimed not to know their whereabouts.<sup>46</sup> On February 28, Littlejohn refused Bennie Devane’s *habeas corpus* petition and plea to be discharged and ordered a committal hearing at Ellaville before Justice of the Peace Henry Jackson Dyess, a cotton buyer and former policeman. The solicitor-general of the Southwestern Circuit, Jule Felton,

revealed he had testimony concerning a dying declaration by Jones, in which he said he had been shot by Bennie Devane, but on March 3 Dyess reduced the charges against Devane and Harvey to “assault with intent to murder.” Bail of \$5,000 each was jointly furnished by Devane’s father, George Phillips’s brother, Cullen Battle, and two neighbors. The same day, Felton ordered the exhumation of Jones’s body so it could be examined for evidence as to which shots had been fatal; this was the point on which, the *Atlanta Constitution* reported, “the whole issue of the guilt or innocence of Benny [sic] Devane and Henry Harvey is said to center.”<sup>47</sup>

When the Schley County superior court convened, Felton sprang two surprises. On April 11, the grand jury (twenty-four mostly elderly white men, four-fifths of them farmers, most of whom owned their farms) reinstated the murder charge alongside that of assault with intent to murder, and added the name of Henry Lewis Fulford to the indictment. Fulford, one of the men behind the original attack at Jones’s house, had not been mentioned in previous warrants or press reports, but he had been named in evidence to the coroner’s jury and in the committal proceedings by people who spoke to Will Jones on the morning of February 13. Fulford had already taken a seat in court to watch the proceedings, but found himself arrested by Battle on Felton’s orders and stood trial with Devane and Harvey, accused of shooting Jones at his house. The bill of indictment omitted four witnesses listed for the state by the coroner’s jury: Will Jones’s uncle, Lucius Hart (who helped to hide him); County Commissioner Joe B. Williamson (who found Jones fatally injured); Dr. W. A. Reynolds (who assisted with the autopsy); and Cullen Battle (who spoke to Robert Allen and the mob). Instead, the grand jury named three black witnesses: Will Jones’s widow, Sallie Jones; neighbor Eugene Williams; and Jones’s uncle, John Teal; and two white men: Dr. J. R. Jordan and Robert S. Allen.<sup>48</sup> In fact, neither Teal nor Allen gave evidence at the trial,

possibly because their evidence pertained more to the anticipated trials of the accused fugitives.

Felton persuaded the court to remove from the jury panel of forty-eight white men anyone with a relationship to the ten men now indicted for Will Jones's death, resulting in a trial jury of six landowners or landowners' sons, four renters, a blacksmith, and the warden of the state convict camp. Their average age was thirty-six; the youngest were two brothers in their twenties who lived near the scene of the lynching. John T. Royal, a former member of the Georgia Assembly, was elected foreman.<sup>49</sup>

The first witness to testify was Dr. Jordan, who recalled seeing "that negro... in a dying condition... in a Ford car in the street out here." After the exhumation on March 3, he found five bullet holes in Jones's upper body and "all the lower part of the body was perforated with bird shot." The first shot appeared to be one that perforated him sideways and punctured both lungs, missing his heart. Jordan thought that with surgical treatment and no further injuries, Jones might have lived, but his additional exertions and the further gunshots "made it impossible to have cured him." Jordan was surprised Jones survived as long as he had. The next witness, not mentioned on the indictment, was twenty-one-year-old farm laborer Robert P. Chapman, whose father rented land near the Fulfords' place. He was asked about his wife's alleged description of his interactions with Henry Lewis Fulford on the day before the attack on Jones's home. Chapman said he could not recall what he and Fulford had talked about and denied being at Jones's house: "Why a bunch of us boys were talking and carrying on, I dont [*sic*]remember anything he said to me, only he was talking like boys generally do. I dont know that anything was said about Will Jones. Not a word as I remember. ...I was not invited to go to Will Jones' house on Sunday night by Henry Lewis Fulford.... I do not know whether he went to the defendant, Henry Harvey's, or not."<sup>50</sup> The prosecution did not press Chapman, but it was now clear that Felton was trying to present

Fulford, whose family owned the land farmed by both Henry Harvey and Will Jones, as the ringleader.

Ellaville physician Luther G. Stewart testified that a car full of men arrived at his house at midnight, seeking treatment for the gunshot wounds suffered by Bennie Devane and Henry Harvey. With them were Johnnie Devane and three others, but not Fulford. Harvey was in agony and said nothing about where or why he had been shot, or who by, while Bennie Devane said only, “well, better not ask too many questions.”<sup>51</sup>

The testimony given by Sallie Jones and Eugene Williams made up for the reticence or absence of other witnesses. Both had given evidence to the coroner’s jury and at the committal hearing and were well prepared by the prosecution. Questioned by Felton and cross-examined by Childers, Sallie Jones testified that she and Will had never had trouble with Fulford or other white men. She said they were disturbed after they had gone to bed after church on the Sunday of the attack, by someone calling out to Will for a patch for a car inner tube. Sallie remembered Will shouting back that they should ask Mrs. Fulford. After another man asked to borrow a lantern, which Will said he did not have, “another fellow come up and hailed, says, hay bo, can you give us a match or two.” Will pushed a few through a crack in the door. “Then another fellow come back and hailed.” Will told Sallie the men were going around the house and got down his single-barreled shotgun. Looking through the crack in the door, she counted six figures, including Henry Lewis Fulford “with one hand in his pocket”; she added that she had recognized his voice. She knew Bennie Devane and Henry Harvey, but did not see them. As men started battering the front door, Will made for the back door, barefoot and in a nightshirt. She begged him to wait: “I said they have come here to do something to you. He says to me you hush, you hush, don’t you make no noise. Then he loads his gun and walks on out the door.” As she climbed into the loft to hide, she heard three pistol shots, followed by shotgun blasts. The next time she saw her husband,

more than two hours later, he was in Robert Allen's pasture, painfully wounded. Later still, when putting Will to bed at the farm of his uncle, John Teal, she saw a single bullet hole in his side. Will said he was dying: "He told me what to do with his things after he was dead. He was conscious when he was talking to me. He had a good mind the last time I seed him." When Felton asked, "Who did he say shot him first[?]" Childers complained the prosecution was concocting a dying declaration that would be exempt from the hearsay rule, but Littlejohn allowed it. She continued, "He told me, ...Sallie, they come in on me, you see they did, and I believe Henry Lewis shot me the first time.... He says he knowed he seed Henry Lewis and Bennie Devane and Mr Harvey. That he shot this Harvey fellow and he fell. He didn't say what Harvey was doing when he shot him." She insisted she had told a consistent story at the hearings and the trial.<sup>52</sup>

Forty-five-year-old tenant farmer Eugene Williams filled in the gaps. He and his family rented land from Robert Allen about a mile from Will and Sallie Jones's home, and had been at the same church service. He heard up to thirty pistol shots and two gunshots, and later heard Will Jones calling to him. Williams gave him some clothes, but refused to call a doctor because he wanted Jones gone. "When Will told me that the white folks had shot him up, I was scared, and that's why I knew it would not do for the white folks to catch me with him. They would kill him and kill me too. That's the reason I wanted him off my land." Williams told Jones, "Will, you can't stay here, you have to go somewheres else. He says could you go with me. I says alright, and I have taken him." Despite Childers's renewed objections, Williams strengthened the case against Fulford by recalling Jones saying that he was going to die and who had shot him: "I asked him particular, I says Will who shot you. He says Gene to the best of my judgement I taken it to be Henry Lewis Fulford that shot me." Jones had been shot as he left his house and fired back at Fulford but missed, before slipping through the fence. Williams testified that Jones had "looked at Devane, who was going

around hollering, "I am shot, I am shot"; and he seed a man standing between him and Devane; and... he says he shot him in the back. He says I taken that man to be Mr. Harvey, for he fell with his face turned towards the southwest." Jones said nothing about Devane or Harvey shooting at him.

Jones collapsed on the two-mile walk to Allen's house, so Williams left him at an old shack in the care of two other black farmers and fetched Allen. They were joined by Sallie Jones. According to previous testimony by Allen to the coroner's jury, he asked another of his tenants, Sallie's father, Jim Hill, who had nine children and grandchildren aged between three and eighteen years old under his roof, to take care of Will, but Hill refused. Jones asked Allen to take him instead to one of his uncles' farms near the Sumter County line.<sup>53</sup> At this point, the prosecution paused, leaving details of the Monday morning assault on Jones for future trials.

Childers, who referred in court to Will Jones as "this nigger," found it impossible to dent Sallie Jones's or Eugene Williams's evidence, but he succeeded in excluding as hearsay any mention of a dispute between Jones and the defendants. When the defendants stood to address the court, they undid all that and effectively incriminated themselves. Fulford spoke first and admitted arguing with Jones on the afternoon before he was attacked: "Will Jones came over to put his mule in the lot, and he asked me about going up here to hunt this nigger what insulted John Devane's wife. I asked him what business that was of his. He said well it looked like that was damn poor business for folks to be going off hunting a man that done something like that. That boy hadn't done anything except ask that woman to ride, and she didn't have to ride with him if she didn't want to." Jones had warned Fulford that he and his friends were asking for trouble, and that "if anybody come to his house for him that way" Jones would kill them. Fulford said he was in bed when he heard shooting "up at Wills" and ran up the road with his brother, armed: "[W]hen we got there, Mr. Harvey and Bennie was

shot. ... Well, we were excited, and we knew Ma was at home, so we went back home and told her about it.”<sup>54</sup>

Bennie Devane recalled what people talked about at Mrs. Fulfords’ earlier that Sunday evening: “[T]hey got to telling about what this nigger done, — [and] talking about this other nigger. — and about us going up there after him.” Then he went to see Harvey: “[I]t was his daughter; and me and him talked it over, and come up there to talk — with the nigger about it; and tell him to keep his mouth shut. Not to be talking that kind of talk.” He said that the two of them, and no one else, went by car to see Jones: “Mr. Harvey he got out and went to the porch and called for Will, and Will answered him, and he told him to come out there a minute, that he wanted to see him. He says all right, I’ll be out there in a minute.” Devane claimed he was standing “somewhere about half way between the road and the house, I guess, when Will come out. He come out the corner of the house and shot me, and when he shot me, it wasn’t but just a little bit before he shot Mr. Harvey.”<sup>55</sup>

Harvey stood next and gave his version: “[W]e got to talking about this nigger, and decided we would go up there and call him out and have a talk with him in regard to this little report that had been going around there.” He and Devane waited for Jones to emerge from his house. “[N]ext thing we knew he was around the house shooting at us fast as a man could shoot a gun, I think. He shot Bennie first, and I turned to see what was going to become of him, and when I turned he shot me in the left side and shoulder here (indicating). About the automobile patches and matches, I dont [*sic*] know anything about that.”<sup>56</sup>

All three defendants seemed to have few qualms about the trial’s outcome, and Childers called no witnesses for the defense, saying, “We have nothing else, your Honor,” perhaps assuming the jury would understand the defendants’ motives. For rebuttal, Felton produced another white neighbor, landowner John Williams, who said he told Fulford about Will Jones’s indignation at the plans of white men to chastise Flournoy. He recalled a

conversation with Jones across a fence one week before the shooting, and having spoken to Fulford afterward: “Will Jones said he didn’t think they ought to have been with that crowd. That’s about all I told him. I told him that on the Friday night before Will Jones was killed. ...If Fulford said anything at all, I don’t remember it. ...I was giving him a little advice, and nothing else.”<sup>57</sup>

Devane and Harvey, whose presence at Jones’s house was undeniable, made no mention of any other white participants, but Felton had succeeded in portraying Fulford as the main instigator, the man who turned a confrontation into a tragedy. Judge Littlejohn charged the jury with a four thousand-word direction that stressed the need for impartiality, explained the admissibility of dying declarations, and defined common intent and purpose, self-defense, murder, manslaughter, and “shooting at another” (“a lower grade of felony than assault with intent to murder”), and reminded them that any guilty verdict on a felony should come with a commensurate recommended sentence. Childers banked on the jury siding with the defendants on the grounds that they intended to challenge Will Jones for what many white men would see as good reason and something that needed to be done, defending the honor of a white woman and thereby her family. This implicit defense would probably have worked in most county courthouses. The jury deliberated for four hours, and subsequent reports indicated that some jurors wanted to acquit the defendants on both the murder and the manslaughter charges, but most were determined to convict them on some charge. They drew a clear distinction between the shooting at Jones’s house and his execution the following day. While they were willing to convict Devane, Harvey, and Fulford for acting together in the initial affray, there was no proof that murder was actually committed at that time. Unable to assign complete blame for Jones’s death, they settled on a verdict of guilty of “shooting at another,” but added a recommendation that the men be punished as if for a misdemeanor, meaning a fine or less than a year’s imprisonment. Littlejohn told them their verdict and

recommendation had to be aligned and sent them back to the jury room at 10:55 p.m. At 11 p.m., they returned with a new verdict for Felton to read out: “We the jury find the defendants guilty of felony, shooting at another, fix the term of punishment from one to four years, but recommend that they be punished for a misdemeanor.” Littlejohn ignored the last part, and wrote “Guilty” verdicts against each man, and sentenced them to one-to-four years in the state penitentiary system.<sup>58</sup>

Childers filed immediately for a new trial, claiming the prosecution had led its witnesses, that Will Jones’s dying declaration was no such thing, and that the jury’s misdemeanor recommendations should have stood — all of which Littlejohn rejected. Childers then appealed to the Georgia Court of Appeals based on the judge’s charge to the jury relating to recommended sentences. Meanwhile, the prisoners were released on bonds of \$5,000 each.<sup>59</sup>

On May 4, Governor Thomas Hardwick, who was in the midst of his own law-and-order campaign and a stand-off with the Klan, followed the example of several previous governors by offering \$200 bounties to anyone who delivered other participants in the lynching of Will Jones and evidence of their guilt to the Schley County sheriff; he also ordered all state officials to look out for the fugitives. Two months later, despite the rewards and statewide publicity, all of the wanted men were still free. Arthur Devane, for example, fled to live with relatives in Alabama, Clarence Robinson and his pregnant wife, Eva Devane, lived with his younger brother in Florida, and George Phillips took a job as a salesman in Bartow, Florida.<sup>60</sup>

In July 1922, Phillips — described in some reports as the leader of the mob that discovered Jones and shot him on the Monday morning — was arrested at Bartow. Felton sent the Ellaville police chief, George Dillard, to bring him back by train.<sup>61</sup> He was held in the Schley county jail for three months, awaiting the October superior court session. After a

two-day trial and an overnight retirement, the jury found Phillips not guilty of murder, and he was freed. On the first day of Phillips's trial, another of the indicted men, thirty-five-year-old tenant farmer Tom Brown, walked into the courthouse to surrender and was held for three days on a murder charge, before being bailed to await the next court session.<sup>62</sup> At the end of November, Joe Devane invited Sheriff Battle into his home for a meal, after which he handed over his two fugitive sons, Arthur and Johnnie Devane, and their brother-in-law, Clarence Robinson, telling them to "get your hat and go with Mr. Bob." Battle held them in jail on a murder charge until mid-January 1923, before releasing them on bond.<sup>63</sup> When these cases came to the superior court in April 1923 — the third murder trial arising from the lynching of Will Jones — Littlejohn's instructions to the jury were described by the *Schley County News* as "delivered in a forceful manner." The jury nevertheless quickly found the first defendant, Arthur Devane, not guilty, and two days later the prosecution asked for a *nolle prosequi* decision, discontinuing charges against all the remaining men.<sup>64</sup> Five of the men who almost certainly colluded to kill Will Jones escaped justice, but not without having to spend several months in jail or on the run, abandoning their crops and families, and bearing the stigma of their names being published in newspapers across the South. These acquittals and the conviction of just three men on the relatively minor count of "shooting at another" when the shooting in question clearly led directly to further violence and Will Jones's ghastly death, could be regarded as an absurd and squalid outcome. And yet the gulf between the conviction and imprisonment of Devane, Harvey, and Fulford and the normal aftermath of a lynching — that is, little or no investigation, no suspects identified, and no arrests; or, if such things did occur, then no effective prosecutions, no convictions, and no punishment — was still vast.<sup>65</sup>

Childers's appeal failed and Devane, Harvey, and Fulford began their prison sentences on the Schley County chain gang on January 12, 1923, where they worked daily on the county's roads and ditches. The Schley county commissioners had adopted the use of

chain-gang labor to build and maintain the public roads in 1909, following the example of nearby counties as part of a state-wide push for “good roads.” Each county requisitioned convicts annually from the state and paid for their own guards, mules, and machinery through a local road tax. Being sentenced to one-to-four years on the chain gang, performing menial labor in full public view, linked to a dozen or more black prisoners in zebra outfits, was deeply humiliating to white farmers. People arrested in Schley County and imprisoned by the city or the superior court at this time, as in almost all Georgia counties, were disproportionately African American. The sheriff’s arrest records for the period April 1918 to September 1919 showed the county jail accommodating two white prisoners (including one “German sympathizer,” for a week) and fifty-seven black prisoners, mostly for misdemeanors, lunacy, or assault. The Schley County road camp on the outskirts of town (for men sentenced by the state) also held mostly black prisoners, sometimes exclusively. Its accommodation block (dating from the Civil War and still standing today in a road maintenance compound next to the railroad line to Americus) housed prisoners across two segregated floors with white convicts, if any, upstairs. The 1910 Census recorded that all eleven men held in the road camp for work on the county chain gang were black; the same was true in 1920 of all seventeen inmates.<sup>66</sup>

The sight of three white farmers on the chain gang seems to have been profoundly troubling for many white residents of Schley County, even those whose testimony and actions had convicted them. Increasingly frantic efforts were made to have them paroled or pardoned. Two months after Devane, Harvey, and Fulford began their sentences, a campaign led by Childers stirred up depositions, letters, and petitions to the authorities, and challenges to the evidence that convicted them. Oaths were sworn before the clerks of the superior courts in Ellaville and Americus by Mayor Williams and a farmer, who said they visited the Jones home and found the entrance to the loft that Sallie Jones testified she “went up into

from fright” was too small for this to be true. A Methodist minister, who supported the jury’s guilty verdicts and saw the men working every day, gave the prison commission five reasons why they should be released after six months: their families needed them, they would not re-offend, they were model prisoners, more dangerous men connected with the case went unpunished, and, “left to a vote of the people, I fully believe 80% to 90% would say let them go free.” He meant, “a vote of the white people.” Even Judge Littlejohn did not oppose clemency, telling the commission, “[W]hatever you or the citizens of Schley County desire in this matter, will be entirely satisfactory to me.” When the commission rejected clemency, stock breeder Morgan Collum insisted Schley County was united in believing the chain gang punishment was unjust. He stated that Will Jones had provoked the initial attack on him by compounding the original offense given by Floyd Flournoy: “After [Jones] had made those remarks he made about Mr Harveys daughter almost any man would have went to the negros house to find out what he mint by what he said. ... These men had nothing to do with the mob that went and killed the negro the next day.”<sup>67</sup>

Other Schley County citizens called on the prison commission and the governor to issue pardons, commutations, or mere fines to the three convicted men. In an act of remarkable expiation, or communal pressure, separate petitions were signed by twenty-one out of the twenty-four members of the grand jury and every member of the trial jury, and the respective foremen, and by the prison warden and all his guards. There were some revealing signatures on the further petition submitted by 349 of the 540 white adult male residents of Schley County. They included those of Justice of the Peace Henry Dyess, Mayor Rogers Williams, Coroner Uriah Rigsby and members of his jury, Sheriff Robert Battle, Marshal George Dillard, Charles Carter, clerk of the court, Commissioner Joe Williamson, and the other commissioners, and even Robert S. Allen, the man who tried to rescue Will Jones and was molested by the mob.<sup>68</sup>

Devane, Harvey, and Fulford were released in January 1924, after serving exactly one year on the chain gang. Later that year, efforts were made by a Schley County representative in the Georgia Assembly, Charles McCrory, to have them pardoned, to which the prison commission assented, having considered public feeling and the trial jury's misdemeanor recommendation, but the actual outcome is unclear. The prison commission's application for executive clemency was transmitted to Governor Clifford Walker on July 15 and is annotated "Approved Pardon July 17, 1924," and the Georgia register of convicts shows all three men as "Pardoned" on that date, but this decision appears not to have been acted upon. Five months later, Zach Childers wrote a personal letter to ("Dear Cliff") Walker, his contemporary as a student at the University of Georgia, pleading for pardons for these "good citizens of Schley Co. ... They should have had it some time ago," but the official record and newspaper files do not indicate that pardons were forthcoming.<sup>69</sup>

Social class, concepts of moral rectitude, and injured civic pride all played a part in the determination to prosecute Will Jones's killers. Ellaville had long promoted itself as "the model town of Georgia," where dissolute behavior was unknown, where there were no drunk young men or gamblers, and "not a young lady in the place who dips snuff ... [and] not a depraved, fallen woman among the white race, and few, if any, among the negroes." Those who could broadly be described as middle-class white citizens of Schley County — landowners keen to retain black tenants and labor, ministers, members of the professions, and town business owners — were proud of its history as one Georgia's first dry counties, having voted for prohibition by a six-to-one majority.<sup>70</sup> These were the people that the *Americus-Times Recorder* relied on for comment in the aftermath of Will Jones's murder.

Those same civic leaders were well aware of the rowdier element: some of the men accused of attacking Will Jones had acquired substantial criminal charges and convictions by 1922, suggesting a backdrop of racial violence between certain classes of white and black

men which, while not normally deadly, could easily become so. In 1911, Bennie and Arthur Devane pled guilty and were fined for public drunkenness, and Arthur was charged with carrying a concealed weapon. The previous year, their father, Joe Devane, had been charged with assault with intent to murder, before being discharged on payment of costs. Their friend, Lester Childers, who Will Jones told Eugene Williams he saw outside his house before he was attacked, was arrested and held for three days in 1919 for drunkenness and a misdemeanor committed with Johnnie Devane, while George Phillips was clearly a notorious individual with a history of serious violence — particularly toward African Americans. A former soldier, Phillips was dishonorably discharged from the army in the Philippines in 1903 before renting land in Macon County and then buying land in Schley County near the Fulfords' place. In 1910, he was charged with assault with intent to murder for attacking one of Robert S. Allen's black tenants with a pistol, and convicted of assault and battery (as was a black youth who assaulted Phillips). In 1920, he was charged with a misdemeanor and two counts of assault with intent to murder after attacking two of his black neighbors, John H. Williams and Will Black (husband of Sallie Jones's sister, Nettie Hill), with a pistol and a knife. The case resulted in a mistrial, an acquittal, and a case not pursued (Phillips was defended by Zach Childers). Thus, at least half of those convicted or accused in relation to Will Jones's death were well known to the court and to many of those who served on, or testified to, the coroner's jury, the grand jury, and the trial jury. Those who knew the accused probably knew the victims as well. For example, one of the grand jury members, Edd Holloway, had once been the landlord of both Will Jones and Will Black.<sup>71</sup>

It is also notable that the testimony that sent three white men to prison came largely from African Americans. The evidence that Sallie Jones and Eugene Williams gave in successive hearings and the trial (and what Will Jones himself said through them) was not only believed; it was crucial to the convictions and to the court's commitment to further

trials, at a time when it was very rare for the evidence of black people to carry more weight than that of white witnesses or defendants. Littlejohn had a reputation for treating black witnesses and defendants even-handedly and with respect, but it was a notable feat for Sallie Jones and Williams to stand up and accuse white men who were known to be violent and easily aggravated.<sup>72</sup> (One of the reasons for the brutal killing of Mary Turner during the onslaught that saw between eleven and eighteen African Americans killed in Brooks and Lowndes Counties in May 1918 was her declaration that she would press charges against the men who lynched her husband.)<sup>73</sup> In the other prosecution for mob murder Judge Andrew Cobb referred to in 1922 (which took place in the Oconee County superior court), the case collapsed as soon as the key witness, the wife of one of the murdered men, stated she could not recognize the first white defendant in court.<sup>74</sup>

The violent reactions to both Flournoy's alleged behavior and Jones's alleged presumption were symptomatic of the kind of spurious authority and aggressive instincts that the Ku Klux Klan's rhetoric fostered in the South during the 1920s. The reincarnated Klan thrived in the Black Belt; and while the Klan hierarchy denounced lynching, its members undoubtedly participated in localized racial violence and intimidation. However, no evidence emerges from the Schley County court records or the press coverage that those who committed (or investigated) the murder of Will Jones were influenced by membership of the Invisible Empire.<sup>75</sup>

The outcomes of the judicial process sparked by the assaults on Will Jones in 1922 were certainly exceptional, yet also instructive. Although it was hardly the full weight of the law that landed on Devane, Harvey, and Fulford (and several guilty men escaped justice), the convictions and prison sentences were truly remarkable for the time and place. The hearings and prosecutions were a community decision, a determination that Jones's murderers should be punished for the sake of local morality and reputation, regardless of any growth in state-

wide anti-lynching sentiment or the threat of federal legislation. Equally, the communal campaign that saw the three convicted men released as soon as possible showed the limits of such feelings, the lingering sense that Jones was to blame for his misfortune, and a belief that white men should not be stripped of their dignity for a racial crime.<sup>76</sup>

Between 1930 and 1970, as a result of migration, the number of people in Schley County fell steadily, but the African-American numbers fell fastest; the black majority ended in the 1960s. By then, many of those touched by violence in 1922 were long gone. Trial witness Eugene Williams and his landlord, Robert S. Allen, continued farming in Schley County until their deaths in 1926 and 1939, respectively, but Sallie Jones left the county after marrying a man named Gus Banks from Sumter County and gave birth to a daughter, Annie, in 1923. They moved with Sallie's younger brother and four of her sisters to Hartford, Connecticut, where many black Georgians settled during the Great Migration to work for Connecticut River valley tobacco farms and factories (Gus Banks and Eddie Hill found jobs in a cigar-making factory). Sallie and Gus Banks moved again to Baltimore, Maryland, where he died in 1979; Sallie finally moved to live in St. Albans in Queens, New York, near her daughter, grandchildren, and great-grandchildren. She died in in the early 1990s. Sallie's older sister, Nettie Hill, and her husband, Will Black, moved to a farm in Marion County, away from white neighbors Tom Brown and George Phillips, who were acquitted in the failed prosecutions for Will Jones's murder; they then left for the industrial setting of Midland, Pennsylvania. Floyd Flournoy, whose encounter with Jessie Mae Devane started the trouble and against whom no judicial action seems to have been taken, moved to Brooklyn, New York, where he married a woman from North Carolina in 1929, raised a family, and died in 1955, aged sixty.<sup>77</sup>

Hundreds of thousands of other black farm families decided to leave the land and the South in the first half of the twentieth century, but Sallie Jones and Floyd Flournoy had more

need than most of a new future and security. Will Jones's entirely avoidable death had shown the sometimes-fine line between normality and terror in the daily lives of black families in parts of the South.<sup>78</sup> The convictions of Devane, Harvey, and Fulford in April 1922 may therefore have slightly alleviated that burden for black citizens of Schley County, but several of Jones's killers continued to live freely (and apparently blamelessly) in the community for another forty years or more.

Certainly, the Schley County authorities appeared determined to prevent a repetition of the lynching of Will Jones by ensuring swift action and due process in comparable circumstances. On two occasions, in 1934 and 1948, credible threats of mob violence were averted after the deaths of white men at the hands of black people. On Christmas Eve in 1934, Charlie Dodson, a seventeen-year-old black youth, resisted arrest by grabbing Ellaville police chief Wilbur Souter's pistol and killing him. Dodson was tracked and captured, but the sheriff minimized the risk of a lynching by jailing him in Columbus; within less than a month, Dodson was convicted at Ellaville and electrocuted at Milledgeville.<sup>79</sup> In 1948, Schley County sharecropper Rosa Lee Ingram and two of her sons killed a white neighbor during a dispute. They were held in Dougherty County, tried at Ellaville, and also sentenced to death. The sentences were commuted and the Ingrams were paroled in 1959, after national and international protests.<sup>80</sup>

While it would be wrong to see the convictions of Bennie Devane, Henry Harvey, and Henry Lewis Fulford and the year they spent on the Schley County chain gang, and the attempted prosecutions of other men, as a watershed moment in the history of racial violence and the law in Georgia (let alone in the entire South), these events were undoubtedly part of a discernible shift in attitudes towards lynching. That shift was to be found in the unwillingness of the judicial system to turn a blind eye, the mounting criticism of lynching by the white southern press, churches, and civic organizations, the repeated attempts to enact state-wide

anti-lynching laws, and the clear decline in lynching across the region — particularly in Georgia — during the 1920s. The Schley County trials in 1922 and 1923 suggested the circumstances in which habitual inaction on the part of white communities and authorities toward outbreaks of gross racial violence might no longer apply.

That said, it would remain true, right up to the final eradication of lynching after World War II that, if such cases reached the courts, state prosecutors would almost always fail to secure convictions. In a provocative study, Ashraf Rushdy observes that participants in a lynching trial (witnesses, jurors, lawyers, etc.) knew they were being asked to record permanently the collective culpability of their community, and that this made finding a white defendant guilty almost unthinkable.<sup>81</sup> The reputation of a town or county was at stake in any widely-reported lynching event *and* in the disclosures involved in a trial and conviction. A prosperous white community might think it bad enough to acquire a reputation for deliberate lawlessness of the kind generated by, say, the gratuitous lynching of two men and a woman in Harris County in 1912; why draw matters out further and create national headlines by convicting the known white killers?<sup>82</sup>

Against this background, the prosecutions and convictions in Ellaville should clearly be seen as both exceptional and important. Nevertheless, certain basic attitudes that led to Jones's murder were not deeply challenged by the imprisonment of three assailants. Their poorly-articulated claim that they were acting in defense of honorable traditions were an invitation to the jurors (and other white men in Schley County) to consider what they themselves would have done after Flournoy's actions and Jones's utterances. This supposed defense did not succeed at the trial or the appeal, but it did drive the subsequent county-wide effort to get each man as short a sentence as possible (or even a pardon), and lay behind the failure to convict the remaining five defendants.<sup>83</sup> Apart from a few lines in one *Americus*

*Times-Recorder* report, it is hard to find any expression of sympathy for Jones, or for the ordeal of his wife, in any white newspaper coverage or any official material.

Class and notions of propriety intersected with race to play a part in the determination to prosecute the killers of Will Jones. If Jessie Mae Devane's male relatives had not already shown themselves to be disruptive; if she had been of a higher status; and if Will Jones had not already earned a good reputation, then the willingness of prominent white people to condemn the lynching might have been less evident. A related factor, and one that was certainly decisive, was the doggedness shown jointly by Judge Zera Littlejohn and Solicitor General Jule Felton; it would have been easy at key stages for either man to have signaled that this case was not worth agonizing over, or to have caved in and handed down fines, as if for a misdemeanor. The most remarkable aspect of the case, however, remains the strength that Sallie Jones and Eugene Williams found in order to testify in successive hearings and in the trial, itself, against three white men, and the persuasive impact of their vivid evidence on both judge and jury.

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<sup>1</sup> Andrew J. Cobb, “The Right to Live: Will the State Protect It or Must We Rely Upon Federal Authority?” *Georgia Historical Quarterly* 6 (September 1922): 189–96. In 1921, Cobb helped write Governor Hugh Dorsey’s condemnation of racial violence. See *A Statement from Governor Hugh M. Dorsey as to the Negro in Georgia, April 22, 1921*, <https://archive.org/details/statementfromgov00geor/page/n6>. On different versions of the Dyer Bill, see Richard B. Sherman, *The Republican Party and Black America: From McKinley to Hoover, 1896–1933* (Charlottesville, VA, 1973), 174–99. The US Justice Department deemed the Dyer Bill constitutional under the 14th Amendment. See James Weldon Johnson, “Constitutionality of the Anti-Lynching Bill,” *New York Age*, September 17, 1921. The author acknowledges the kind assistance of Kathy S. Royal, Larry Wall, Jerry Battle Sr., William and Linda Lindsey, Richard F. Norris II, and the late Joseph S. Eason, and the advice of anonymous reviewers of the *GHQ*.

<sup>2</sup> *Atlanta Constitution*, February 5, December 10, 1922; *Bainbridge (GA) Post-Searchlight*, February 16, 1922. See also, *Dalton (GA) Citizen*, December 29, 1921. The Dyer Bill was blocked in the Senate. In 1922, a state anti-lynching bill was introduced in the Georgia General Assembly by Senator Andrew R. Lawton of Savannah, but never voted on, and Senator James R. Thomas of Jesup introduced a bill “to authorize [the] Governor to suspend arresting officers for negligence,” which was “favorably reported,” but not passed. *Journal of the Senate of the State of Georgia, 1922* (Atlanta, 1922), 567, 702. Further state anti-lynching bills failed in 1923, 1924, and 1925.

<sup>3</sup> Mark Ellis, “Racial Unrest and White Liberalism in Rural Georgia: Barrow and Oconee Counties in the Early 1920s,” *Georgia Historical Quarterly* 97 (Spring 2013): 29–60.

<sup>4</sup> W. Fitzhugh Brundage, *Lynching in the New South: Georgia and Virginia, 1880–1930* (Urbana, IL, 1993), 231–42. Brundage notes that four white men were convicted in 1924 for an attack on the jail in Savannah and nine white men were convicted for the lynching of a

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white man in Coffee County in 1926. *Atlanta Constitution*, February 18, 1921, November 3, 1922; James Harmon Chadbourn, *Lynching and the Law* (Chapel Hill, NC, 1933), 13.

Chadbourn's research was undertaken for the Southern Commission on the Study of Lynching. See also, T. J. Woofter, Jr., "Better Race Relations in Georgia," Minutes of the Georgia State Committee on Race Relations, November 2, 1922, file 37, series 7, frames 1655–56, reel 45, Papers of the Commission on Interracial Cooperation, Robert W. Woodruff Library, Atlanta University Center.

<sup>5</sup> Brundage, *Lynching in the New South*, 242. See also, Michael J. Pfeifer, *Rough Justice: Lynching and American Society, 1874–1947* (Urbana, IL, 2006), 139–47. Pfeifer's focus is national; his southern evidence is drawn primarily from Louisiana. He sees a middle-class impetus behind the decline of lynching in the wake of black migration, "the unwanted publicity accorded by a rapidly nationalizing culture," and alternative measures that "enforced the social control of African Americans" (p. 147).

<sup>6</sup> Lynching declined in the South in the Progressive era, but ninety-five instances occurred in Georgia in 1905–1915, and forty in 1920–1922. During 1923–26, lynchings in Georgia fell to two or three annually, and none occurred in 1927–1929. The Great Depression saw mob murder rise across the South; it fell sharply after 1935, but the potential for further outbreaks persisted for a generation. W. J. Cash, *The Mind of the South* (New York, 1941; rpt., 1960), 379–80; Brundage, *Lynching in the New South*, 242; Mark Ellis, *Race Harmony and Black Progress: Jack Woofter and the Interracial Cooperation Movement* (Bloomington, IN, 2013), 242. *Kerrville (TX) Mountain Sun*, February 23, 1933. E. M. Beck and Stewart E. Tolnay noted effects of crop price deflation on lynching: "The Killing Fields of the Deep South: The Market for Cotton and the Lynching of Blacks, 1882–1930," *American Sociological Review* 55 (August 1990): 526–39.

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<sup>7</sup> Francis J. Grimké, *The Lynching of Negroes in the South: Its Causes and Remedies* (Washington, DC, 1899), 5–6. For examples of categorization and definition, see Brundage, *Lynching in the New South*, 17–85; Pfeifer, *Rough Justice*, 34–44, 156–83; Christopher Waldrep, *The Many Faces of Judge Lynch: Extralegal Violence and Punishment in America* (New York, 2002), 2–4; Ashraf H. A. Rushdy, *American Lynching* (New Haven, CT, 2012), 4–13, 75–93; Claude A Clegg III, *Troubled Ground: A Tale of Murder, Lynching, and Reckoning in the New South* (Urbana, IL, 2010), 183–87. See also, Ivan Evans, *Cultures of Violence: Racial Violence and the Origins of Segregation in South Africa and the American South* (New York, 2009), 84; Katherine Wellesley Stovel, “Local Sequential Patterns: The Structure of Lynching in the Deep South, 1882–1930,” *Social Forces* 79 (March 2001): 843–80.

<sup>8</sup> Amy Kate Bailey and Stewart E. Tolnay, *Lynched: The Victims of Southern Mob Violence* (Chapel Hill, NC, 2015), xii, 9–11, 32, 219–33. In 1947, President Truman’s Committee on Civil Rights condemned the “almost complete immunity from punishment enjoyed by lynchers,” adding, “lynching is the ultimate threat by which his inferior status is driven home to the Negro. As a terrorist device, it reinforces all other disabilities put upon him. The threat of lynching always hangs over the southern Negro; the knowledge that a misinterpreted word or action can lead to his death is a dreadful burden.” *To Secure These Rights: The Report of the President’s Committee on Civil Rights* (Washington, DC, 1947), 24–25.

<https://www.trumanlibrary.org/civilrights/srights2.htm#32>.

<sup>9</sup> Schley County Preservation Society, *History of Schley County, Georgia* (Roswell, GA, 1982), 2–3, 16–23; Wilber W. Caldwell, *The Courthouse and the Depot: A Narrative Guide to Railroad Expansion and Its Impact on Public Architecture in Georgia, 1833–1940* (Macon, GA, 2001), 457–63; *Atlanta Constitution*, September 30, 1885; July 21, 1899; October 28, 1907; *Butler (GA) Herald*, September 17, 1912; *Schley County News*, January

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13, 1922. In 1920, Schley County's illiteracy rates for those over ten years old (3 percent of whites; 17 percent of blacks) were below state figures (5 percent; 29 percent). Georgia Census Data, [earlyushistory.net](http://earlyushistory.net).

<sup>10</sup> 1860 Slave Schedules <https://www.rootsweb.ancestry.com/~gaschley/1860slave.htm>

<sup>11</sup> *Memphis (TN) Commercial Appeal*, November 8, 1867. "Statement showing names of Freed People who have been murdered or assaulted with intent to kill in Sumter, Schley & Webster counties from January 1st 1868 to October 31st 1868," Records of the Assistant Commissioner for the State of Georgia, Freedmen's Bureau Online.

<http://freedmensbureau.com/georgia/gaoutr5.htm>; Hamilton W. Pierson, *Letter to Hon.*

*Charles Sumner, with 'Statements' of Outrages upon Freedmen and an Account of My Expulsion from Andersonville, Ga., by the Ku Klux Klan* (Washington, DC, 1870), 8–10.

<http://www.archive.org/details/lettertohoncharl00pier>. Several murders occurred at Camilla, in Mitchell County, when Republicans asserted themselves. See Lee W. Formwalt, "The Camilla Massacre of 1868: Racial Violence as Political Propaganda," *Georgia Historical Quarterly* 71 (Fall 1987): 399–426.

<sup>12</sup> *Atlanta Constitution*, October 15, 1880.

<sup>13</sup> *Atlanta Constitution*, October 8, 1890; January 9, September 1, October 4, 1892; July 8, 1894; July 30, 1895.

<sup>14</sup> John Dittmer, *Black Georgia in the Progressive Era, 1900–1920* (Urbana, IL, 1977), 101–103.

<sup>15</sup> W. E. B. Du Bois, ed., *Some Notes on Negro Crime, Particularly in Georgia* (Atlanta, 1904), 36, 39.

<sup>16</sup> *Schley County News*, January 13, 1911; *Atlanta Constitution*, January 5, April 9, 1911; *Americus Times-Recorder*, April 8, 9, 13, 14, 1911; Sheriff's Jail Record and Criminal Docket, Schley County Courthouse, Ellaville, GA. The entry notes that the men were arrested

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on April 2 and “Discharged” on April 7, 1911. The old Schley County jail, the rear half of a small brick building, still stands near the courthouse in Ellaville.

<sup>17</sup> *Nashville Tennessean*, August 31, 1912; *Tampa (FL) Times*, November 23, 1912; *Columbus (GA) Ledger-Enquirer*, August 13, 2014; Karen Branan, *The Family Tree: A Lynching in Georgia, a Legacy of Secrets, and My Search for the Truth* (New York, 2016), 187–90.

<sup>18</sup> *Pickens (SC) Keowee Courier*, October 9, 1912; *Atlanta Constitution*, June 22, 26, July 2, 4, 1913; John M. Collum to Booker T. Washington, July 25, 1913, in *The Booker T. Washington Papers*, vol. 12, 1912–1914, eds., Louis R. Harlan and Raymond W. Smock (Urbana, IL, 1982), 43–44.

<sup>19</sup> Georgia Census Data. In all, 613 farms operated on a sharecropping or crop and cash basis. Census summaries obscure the acreage and distribution of black farmers, but the historian Mark Schultz has mapped owner-operated farms in Georgia by county and militia district for 1910, finding clusters of black landowners in the north of Schley County, where they held over three thousand acres; in the three militia districts to the south, black families owned under one thousand acres. Mark R. Schultz to author, November 19, 2014. Black farmer Alford Jones traded numerous lots of fifty to one hundred acres between 1910 and 1916, and several black churches bought land for new buildings. Schley County Deed Records, vol. K, pp. 365, 534; vol. N, p.86; vol. M, p.110; vol. L, pp. 653, 654, 655, Schley County Courthouse, Ellaville, GA.

<sup>20</sup> *Pensacola (FL) Journal*, October 11, 1920; *Abbeville (SC) Press and Banner*, October 11, 1920; *Monroe (NC) Journal*, October 12, 1920. See also, *New York Times*, October 11, 1920.

<sup>21</sup> Mark Schultz, *The Rural Face of White Supremacy: Beyond Jim Crow* (Urbana, IL, 2005), 66–97.

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<sup>22</sup> Clark Foreman, “Summary of the Session on Citizenship,” National Interracial Conference, December 16–19, 1928, p.30, National Urban League Papers, Library of Congress

<http://lcweb2.loc.gov/mss/amrlm/bak/mu03.sgm>; Schultz, *Rural Face of White Supremacy*, 152. Bailey and Tolnay discuss risks run by black men who “stood out” in their communities. *Lynched*, 90–148, 208–211, 223–29.

<sup>23</sup> Dittmer, *Black Georgia*, 139.

<sup>24</sup> See, for example, Brundage, *Lynching in the New South*, 54–55, 241, 317n11.

<sup>25</sup> *Atlanta Constitution*, October 11, 1922; *State vs. Henry Harvey, Bennie Devane, and Henry Lewis Fulford*, Transcript of trial evidence, p.22, Schley County Superior Court, April 12, 1922, RG 1-4-42, Governor – Convict and Fugitive Records, Applications Clemency, 1858–1942, Georgia Archives, Morrow, GA.

<sup>26</sup> Clegg, *Troubled Ground*, 76–79. On sexual fear, repression, and lynching, see also Trudier Harris, *Exorcising Blackness: Historical and Literary Lynching and Burning Rituals* (Bloomington, IN, 1984), 15–28.

<sup>27</sup> Diane Miller Sommerville, *Rape and Race in the Nineteenth Century South* (Chapel Hill, NC, 2004), 237–59. Lisa Lindquist Dorr in *White Women, Rape, and the Power of Race in Virginia, 1900–1960* (Chapel Hill, NC, 2004), notes (p.60): “Innocuous contact between unacquainted rural white women and black men easily acquired sinister overtones, and [if legal proceedings ensued] local court officials were more likely to affirm the woman’s interpretation of black men’s actions.” See also, Winthrop Jordan, *White Over Black: American Attitudes Toward the Negro, 1550–1812* (Baltimore, 1969); George Fredrickson, *The Black Image in the White Mind* (New York, 1971). Regarding white supremacy, Grace Elizabeth Hale also refers to “performance [which], in turn, made reality conform to the script.” Hale, *Making Whiteness: The Culture of Segregation in the South, 1890–1940* (New York, 1940), 284.

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<sup>28</sup> *Americus (GA) Times-Recorder* February 13, 17, 1922. Flournoy was the son of a tenant farmer.

<sup>29</sup> Bennie L. Devane and Henry Lewis Fulford were married to each other's sisters.

<sup>30</sup> Karlos K. Hill, *Beyond the Rope: The Impact of Lynching on Black Culture and Memory* (New York, 2016), 49–66; Ellis, "Racial Unrest and White Liberalism in Rural Georgia," 36–37. Two other black men were killed with Birdsong.

<sup>31</sup> *Atlanta Constitution*, February 14, 15, 1922; *Daily Times Enterprise*, February 17, 1922.

<sup>32</sup> *Americus (GA) Times-Recorder*, February 13, 1922; *Daily Times-Enterprise*, February 14, 1922; *Atlanta Constitution*, February 14, 15, 1922. *Gastonia (NC) Gazette*, February 14, 1922.

<sup>33</sup> Schley County draft registration card 279, Will Jones, September 12, 1918, ancestry.com. Certificate 4863, Will Jones, February 14, 1922, Death Certificates, Vital Records, Public Health, RG 26-5-95, Georgia Archives, Morrow, GA.

<sup>34</sup> *Schley County News*, February 17, 1922.

<sup>35</sup> *Daily Times-Enterprise*, February 14, 1922. The *Times-Enterprise* later reported that "people of the community are insisting that the lynchers be punished," that the eventual prosecutions were a "big victory for law and order," and that "[t]he offense for which the negro was lynched was trivial." *Ibid.*, April 14, 1922.

<sup>36</sup> *Atlanta Constitution*, February 16, 1922.

<sup>37</sup> *Americus (GA) Times-Recorder*, February 15, 1922. The final attack on Jones was closer to Americus than Ellaville, and the shooting could have been heard in Sumter County.

<sup>38</sup> *Americus Times-Recorder*, February 16, 17, 1922. Similar critical comments appeared in the press before attempts to prosecute mob members in Rowan County, NC, in 1906, and Telfair County, GA, in 1919. See Clegg, *Troubled Ground*, 139–64; and Brundage, *Lynching in the New South*, 231–32.

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<sup>39</sup> *Americus (GA) Times-Recorder*, February 17, 1922; *New York Age*, March 4, 1922; *State vs. G. T. Phillips, Clarence Robinson, Bennie Devane, Johnnie Devane, Arthur Devane, Henry Harvey, Thomas Brown, and two others to the jury unknown*, Criminal Warrant, February 14, 1922, Records of Schley County Superior Court, Ellaville, GA.

<sup>40</sup> *Atlanta Constitution*, February 15, 16, 17, 1922; *Athens (GA) Banner*, February 16, 1922.

<sup>41</sup> See, for example, *Jackson (MS) Clarion-Ledger*, February 15, 1922; *Durham (NC) Morning Herald*, February 15, 1922; *Asheville (NC) Morning Citizen*, February 15, 1922. *Dallas (TX) Express*, May 6, 1922. The *Dallas Express* was a black newspaper.

<sup>42</sup> *Vicksburg (MS) Evening Post*, February 16, 1922; *Atlanta Constitution*, February 16, 21, March 1, 1922; *Athens (GA) Banner*, February 16, 1922; *Americus (GA) Times-Recorder*, February 17, 20, 1922; *Daily Times-Enterprise*, February 21, 1922; *State vs. G. T. Phillips et al.*, Criminal Warrant.

<sup>43</sup> *Athens (GA) Banner*, February 16, 1922; *Atlanta Constitution*, February 17, 1922; *Americus (GA) Times-Recorder*, March 4, 1920, February 17, 1922. Battle, who lost an arm in a cotton gin as a young man, succeeded his father-in-law in 1915; he remained in the post until 1928. Jerry Battle, Sr., to author, July 5, 2019.

<sup>44</sup> Chadbourn, *Lynching and the Law*, 58–76.

<sup>45</sup> *New York Age*, March 4, 1922. The *Age* also welcomed critical reports in the *Albany (GA) Herald* about Jones's death and in the *Greensboro (NC) Daily News* on lynching in North Carolina.

<sup>46</sup> *Daily Times-Enterprise*, March 3, 1922; *Atlanta Constitution*, March 3, 1922. Felton had defeated Childers in the election for solicitor-general of the Southwestern Circuit in 1918. *Atlanta Constitution*, October 2, 1918.

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<sup>47</sup> *Americus (GA) Times-Recorder*, February 20, 21, 1922; *Danville (VA) Bee*, February 22, 1922; *Schley County News*, February 24, 1922; *Daily Times-Enterprise*, March 2, 1922; *Atlanta Constitution*, March 1, 1922.

<sup>48</sup> *State vs. Henry Harvey, Bennie Devane, Henry Lewis Fulford*, Grand Jury Indictment, April 12, 1922, docket 455, Records of Schley County Superior Court, Ellaville, GA. The grand jury also indicted the seven fugitives.

<sup>49</sup> *State vs. Henry Harvey, Bennie Devane, and Henry Lewis Fulford*, Transcript, p.1. Jury lists sent to Prison Commission, n.d.

<sup>50</sup> *State vs. Harvey, Devane, and Fulford*, Transcript, p.1–6.

<sup>51</sup> *Ibid.*, 14–15.

<sup>52</sup> *Ibid.*, 6–14.

<sup>53</sup> *Ibid.*, 15–21.; *Americus (GA) Times-Recorder*, February 17, 1922; *New York Age*, March 4, 1922.

<sup>54</sup> *State vs. Harvey, Devane, and Fulford*, Transcript, p.21.

<sup>55</sup> *Ibid.*, 22.

<sup>56</sup> *Ibid.*

<sup>57</sup> *Ibid.*, 22–23.

<sup>58</sup> *State vs. Henry Harvey, Bennie Devane, and Henry Lewis Fulford*, Charge of the Court; Verdict slips for Harvey, Devane, and Fulford, April 14, 1922, Records of Schley County Superior Court, Ellaville, GA; *Americus (GA) Times-Recorder*, April 14, 1922. The convictions caused national headlines. See *New London (CT) Evening Day*, April 19, 1922. Littlejohn, one of the most eminent circuit judges in Georgia, had sought a federal judgeship under Woodrow Wilson in 1915. *Atlanta Constitution*, January 31, March 1, 1915.

<sup>59</sup> *State vs. Henry Harvey, Bennie Devane, and Henry Lewis Fulford*, Motion for a new trial, April 14, 1922; Amended Motion, May 13, 1922; and Bill of Exceptions, June 13, 1922,

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Records of Schley County Superior Court, Ellaville, GA; *Atlanta Constitution*, May 29, 1922; *Schley County News*, June 2, 1922; “Register of Prisoners Committed to Jail,” p. 85, Sheriff’s Jail Record, Schley County Courthouse, Ellaville, GA. Each man paid initial bond fees of \$120 and \$150.

<sup>60</sup> *Schley County News*, May 12, 1922; Author’s interview with Joseph S. Eason, Americus, GA, November 19, 2014; *Bartow City Directory*, 1925, p.284. Governor Hardwick assumed the men were “unknown parties.” He targeted criminality in southern Georgia counties and “regrettable instances of lawlessness and disorder and open resistance to the laws of the state.” Order 337, August 4, 1922, Governor’s Executive Department Minutes, June 1921–June 1923, p.254, File 1-1-3, Georgia State Archives, Morrow, GA; *Athens Banner*, February 16, 1922. In September 1922, the Ellaville courthouse hosted a free lecture by a pro-Klan Baptist preacher from Little Rock, AR, entitled, “The Ku Klux Klan and Law Enforcement.” Subsequent meetings advancing anti-Klan views were also publicized. See *Schley County News*, September 1, 1922, February 16, 1923.

<sup>61</sup> *Americus (GA) Times-Recorder*, July 12, 1922; *Schley County News*, July 14, 1922; *Danville (VA) Bee*, July 13, 1922.

<sup>62</sup> *Schley County News*, October 13, 1922; *Americus (GA) Times-Recorder*, October 10, 11, 1922; *Atlanta Constitution*, October 11, 12, 1922.

<sup>63</sup> Register of Prisoners Committed to Jail, p.89, 90, Sheriff’s Jail Record, Schley County Courthouse, Ellaville, GA; Joseph Eason interview; Jerry Battle Sr. to author, July 5, 2019.

<sup>64</sup> *Schley County News*, April 13, 1923. *Americus Times-Recorder*, April 17, 1923. Docket 452, Criminal Dockets Index, Superior Court, Schley County Courthouse, Ellaville, GA.

<sup>65</sup> There were precedents for the conviction and imprisonment of a white man for “shooting at another” when the victim was black, but not in the course of a lynching. In May 1920, Constable Ed Harrison was sentenced to 1-1½ years in prison for “shooting a negro” in

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Randolph County; his sentence was commuted to time served after eleven months. *Journal of the Senate of the State of Georgia, 1922* (Atlanta, 1922), 378.

<sup>66</sup> *Schley County News*, January 8, 22, April 30, July 9, September 17, 1909; US Federal Census, 1910 and 1920; and Georgia Central Register of Convicts, 1913–1952, A–G, Felony Convict Record, p.96 (Bennie Devane), p.126 (Henry Lewis Fulford), p.180 (Henry Harvey), at ancestry.com. All three prisoners were recorded in the register as having been convicted of “Manslaughter.” In 1923, Governor Thomas Hardwick forbade the use of the lash by chain gang wardens to control or punish prisoners. *Ellaville Sun*, September 10, 1937. Georgia was the last state to abolish the convict chain gang system in 1955.

<sup>67</sup> B. L. Jordan to Georgia Prison Commission, July 6, 1923; Z. A. Littlejohn to Prison Commission, August 8, 1923; Oaths of C. H. Burt and Rogers Williams, September 28, 1923; M. E. Collum to E. L. Rainey, October 1, 1923; Recommendation to Decline Executive Clemency, October 5, 1923, all in RG 1-4-42, Governor – Convict and Fugitive Records, Applications Clemency, 1858–1942, Georgia Archives, Morrow, GA.

<sup>68</sup> Petitions relating to Bennie Devane, Henry Harvey, and Henry Lewis Fulford, *ibid.* RG 1-4-42, Governor – Convict and Fugitive Records, Applications Clemency, 1858–1942, Georgia Archives, Morrow, GA.

<sup>69</sup> Charles R. McCrory to Prison Commissioners, July 15, 1924; Prison Commissioners’ recommendation for executive clemency, July 15, 1924; William G. McRae to McCrory, July 16, 1924; Zach S. Childers to Clifford Walker, November 13, 1924, *ibid.* RG 1-4-42, Governor – Convict and Fugitive Records, Applications Clemency, 1858–1942, Georgia Archives, Morrow, GA. Georgia Central Register of Convicts, 1913–1952.

<sup>70</sup> *Atlanta Constitution*, October 15, 1880, February 5, 1881, September 30, 1885. *Hartford (CT) Courant*, February 5, 1891.

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<sup>71</sup> Schley County, Criminal Dockets Index, p. 178, 180, 189, 190, 197, 201, 202, 399, 401, 407, 414, 424; Schley County, Sheriff's Jail Record, Register of Prisoners, p. 71; Schley County, Criminal Dockets 407, 414, Schley County courthouse, Ellaville, GA; US Army, Register of Enlistments, 1798–1914 (May 1901–1902, L–Z), p.341, line 1414. Edd Holloway was also the brother-in-law of Robert S. Allen, who tried to protect the injured Will Jones; another grand juror was Henry Lewis Fulford's former brother-in-law. Littlejohn's conduct of the trial may have been influenced by his ardent support for prohibition. The foreman of another Schley County grand jury stated, "We find that almost every bill brought before us has been caused directly or indirectly from whisky." *Kansas City Globe*, January 8, 1908; *Schley County News*, October 20, 1922.

<sup>72</sup> *Atlanta Constitution*, December 8, 11, 1921. The Reverend Alexander A. Little of Atlanta, who edited a popular Atlanta church newspaper, summarized a prevalent view of black witnesses: "The testimony of a negro is not usually accounted as of much value, and we must remember they have the faults of children, and falsehood is one of their commonest sins." *Presbyterian of the South*, January 29, 1919. (Little conceded that the key prosecution witness in the Leo Frank case was a black man.)

<sup>73</sup> Walter F. White, "The Work of a Mob," *Crisis* 16 (September 1918): 221–23.

<sup>74</sup> Ellis, "Racial Unrest and White Liberalism in Rural Georgia," 39–40.

<sup>75</sup> Charles L. Flynn Jr., "The Ancient Pedigree of Violent Repression: Georgia's Klan as a Folk Movement," in *The Southern Enigma: Essays on Race, Class, and Folk Culture*, eds., Walter J. Fraser, Jr., and Winfred B. Moore, Jr. (Westport, CT, 1983), 188–98. In June 1925, the Americus police chief led a horseback parade of two hundred Klansmen to a rally at a baseball ground. A. Anderson, "Local Black History Chronology," at <http://www.sumtercountyhistory/BlackHx.htm>. On the Klan's regulatory behaviour, attitudes, and methods in and around Athens, GA, and ways in which they cut across class

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boundaries, see Nancy MacLean, *Behind the Mask of Chivalry: The Making of the Second Ku Klux Klan* (New York, 1994).

<sup>76</sup> The sight of white men on the chain gang may have contributed to the acquittal of Johnnie and Arthur Devane, Clarence Robinson, and Tom Brown in April 1923.

<sup>77</sup> US Federal Census, 1930, 1940; Social Security Death Index; New York Death Index, 1949–1945; Georgia Deaths Index, 1914–1940; Pennsylvania Death Certificates, 1906–1967, all at ancestry.com. Kurt Schlichting, Peter Tuckel, and Richard Maisel, “Great Migration of African Americans to Hartford, Connecticut, 1910–1930: A GIS Analysis at the Neighborhood and Street Level,” *Social Science History* 39 (Summer 2015): 287–310.

Today, Schley County’s population of 5010 is 73 percent white. Sallie Banks’s daughter, who died before her mother in 1985, gained degrees from Hampton Institute and served in the US Army Nursing Corps. Annie B. Hunter funeral program, October 17, 1985, courtesy of William and Linda Lindsey.

<sup>78</sup> Henry Harvey continued farming in Schley County and died in 1937. Henry Lewis Fulford became a salesman and a cab driver in Americus and died in 1968. Johnnie, Arthur, and Bennie Devane continued farming in Schley County and died in 1944, 1955, and 1986, respectively. George T. Phillips died in Florida in 1926. See *Ellaville Sun*, July 16, 1937. US Federal Census, 1930, 1940; World War II draft cards; Social Security Death Index; Georgia Death Index, Florida Death Index, all at ancestry.com.

<sup>79</sup> *New York Daily News*, December 26, 1934; *Schley County News*, January 4, 1934; *Atlanta Constitution*, January 1, January 22, 1935. Souter was a grand juror in the Will Jones case in 1922. The Association of Southern Women for the Prevention of Lynching may have played a part in strengthening the sheriff’s resolve in this case. See Lynne Olson, *Freedom’s Daughters: The Unsung Heroines of the Civil Rights Movement from 1830–1970* (New York, 2001), 50.

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<sup>80</sup> Charles H. Martin, “Race, Gender, and Southern Justice: The Rosa Lee Ingram Case,” *American Journal of Legal History* 29 (July 1985): 251–68; Nicole A. Waligora-Davis, *Sanctuary: African Americans and Empire* (New York, 2011), 1–12; *Pittsburgh Courier*, March 13, 1948.

<sup>81</sup> Ashraf H. A. Rushdy, *The End of American Lynching* (New Brunswick, NJ, 2012), 22–50.

<sup>82</sup> Branan, *Family Tree*, 156–90.

<sup>83</sup> Rushdy discusses the rationalization of lynching in *American Lynching*, 140–49.