

IN THE SENATE OF THE UNITED STATES.

MARCH 10, 1871.—Ordered to be printed.

Mr. SCOTT, from the Select Committee of the Senate to Investigate Alleged Outrages in the Southern States, submitted the following

R E P O R T :

On the 10th of January, 1871, the Senate passed the following resolution :

Resolved, That a select committee of five Senators be appointed, to which shall be referred the documents and papers recently laid before the Senate by the President in reference to the condition of the Southern States, and that such committee have power to employ a clerk and stenographer, to send for persons and papers, administer oaths, and investigate the matters referred to in the documents and papers aforesaid, and the truth or falsehood of the crimes and outrages of a political character alleged to have been committed in the Southern States, and whether there be in those States security for persons and property.

By subsequent resolutions the committee was authorized to sit during the session of the Senate and to report from time to time ; two members were added, and it was continued during the first session of the Forty-second Congress.

Prior to the passage of the first resolution, two messages had been sent by the President to the Senate, in compliance with the resolution of the 16th of December, 1870, as follows :

Resolved, That the President be requested to communicate to the Senate all information that he may possess relative to organized bodies of disloyal and evil-disposed persons in the State of North Carolina, which have in view or threaten resistance to the execution of the laws of the United States, or denial to the citizens of the United States of the equal protection of the laws and the free enjoyment of the rights and liberties secured to them by the Constitution ; and also what murders and outrages for political purpose have been committed by such organizations of disloyal persons.

The first message, of January 13, 1871, (Senate Executive Document No. 10, 3d session 41st Congress,) consists of abstracts from the reports of military officers, of the communications of governors of States, of others in official positions, and of petitions and letters of private citizens, all tending to show that in many portions of the Southern States, from 1866 until this time, crimes ranging from assassination and murder, robbery and theft, down to the lowest grades of personal violence, have been committed by bands of persons in disguise and instigated by political motives, who have escaped all punishment by the civil authorities.

The second message, of January 17, 1871, (Senate Executive Document No. 16, Part 2,) communicated copies of reports received at the War Department "relative to disloyal organizations in the State of North Carolina intended to resist the laws, or to deprive the citizens of the United States of the protection of law or the enjoyment of their rights under the Constitution of the United States."

From the tenor of the documents referred to the committee, and the language of the resolution under which it was appointed, it will be seen that the purpose of raising it was to ascertain by investigation—*First*, whether crimes of the character alleged have been committed by organized bands of a political character; *Second*, whether persons and property are secure in the Southern States.

The language of the resolution authorizing the appointment of the committee embraces all the Southern States. North Carolina having been made the subject of a special communication from the President, the committee at once entered upon an investigation of the condition of affairs in that State. In prosecuting their inquiries they desired to have before them the representatives of all shades of political opinion, so that not only in the report of the committee, but especially in the testimony of the witnesses, the public would have the means of judging as to the true condition of things existing in the State, the causes which have led to it, and who are responsible for its existence or continuance. Accordingly they sent for, and up to this time have examined, State and Federal judges, prosecuting officers, political editors, ministers of the gospel, private citizens both white and colored, members of what is popularly known as the Ku-Klux Klan, magistrates, constables, members of the bar, men who have been scourged and abused by bands of men in disguise, and indeed all classes of persons from whom it was reasonable to expect such testimony could be elicited as would form the basis of a reliable judgment upon the subject of inquiry.

In sending for such witnesses we had of necessity to be guided by the local knowledge of those better acquainted with the State than are the members of the committee. And as the inquiry, in the very terms of the resolution, necessarily involved political party feeling, it was due to candor and justice that witnesses should be summoned who were designated by the minority of the committee, as well as those suggested by the majority; and so far all such have been summoned, and, as far as time permitted, have been examined. Of the fifty-two witnesses examined, it will be found that twenty-nine are members of the republican or radical party, and twenty-one are members of the democratic or conservative party. One witness, a minister, did not state what were his party relations, and another stated he had formed no party connection. In the twenty-one, ranked as members of the democratic or conservative party, are six members of the Ku-Klux Klan, four of whom were summoned because of the belief, from previous developments, that they could and would reveal the existence and objects of the organization. The other two were summoned at the instance of the minority of the committee to show their ill-treatment while prisoners in the custody of the State militia; and, upon their examination, acknowledged that they were members of the order.

The first subject of inquiry, then, is: Have crimes and outrages of the character complained of been committed by organized political bands of disloyal or evil-disposed persons in the State of North Carolina? We first direct attention to the evidence showing the existence in that State of secretly organized bodies of a political character; and as the existence and operations of what is now termed the Ku-Klux Klan are excused, by those who do excuse them, on the ground of the prior existence of other secret political organizations, we refer to all that have been mentioned, as having any bearing upon the question, since the close of the rebellion.

The first in point of time is the order known as the "Heroes of America," or the "Red Strings." Its purpose will be best understood by

giving what is said of it by Hon. B. F. Moore, a former attorney general of the State, and now a member of the conservative party :

There was an organization at the close of the war, which has existed since, called the "Heroes of America," or the "Red Strings." I became acquainted with it just at the close of the war, when some of the members were apprehended as being instrumental to the confederacy, and as having entered into a secret conspiracy to overthrow it; so they were charged. They applied to me as a Union man for the purpose of getting them discharged from arrest. In that way I became acquainted with their organization and their oaths. The only objection I saw to any portion of their oath was, they swore to come to each other's aid in distress. I contended that that meant, however, nothing that was illegal; that it did not mean distress occasioned by crime or any unlawful act, and I was sustained in that view; because if we can put two constructions upon it, we are bound to give it that construction which is more agreeable to innocence. That organization continued some time after the war, as I understood.

Question. Were the purposes of that organization to be accomplished by peaceable or by violent means?

Answer. I know nothing of any purpose beyond adherence to the Constitution of the United States and the restoration of the Union. I did not hear of any violation of either.

The same organization is referred to by Daniel R. Goodloe, in his testimony, as follows :

Question. You have spoken of a secret order called the "Heroes of America," into which you and gentlemen you have named were inducted?

Answer. Yes, sir; simply that we might hear the secret news from the South in favor of the United States Government.

About the time the reconstruction act proposed to confer political rights upon the colored citizens, the Union League was introduced into North Carolina. The exact time is not given; but the weight of the testimony would seem to fix it about the latter part of 1867. Witnesses were examined who were members of that organization, both in the Northern and Southern States; and many others have given their opinions about its purposes, as understood by general reports. There is no doubt that it was a political organization in the interest of the republican party; that its members were admitted in secret meetings and that they were bound by an oath. It is equally clear that its purposes were publicly avowed; that it held public meetings and processions, in which the members appeared and acknowledged their connection with it. The colored population generally became members of that organization; and to show their estimate of it, we insert an extract from the testimony of Samuel Allen, a colored man, and a member of the League, as follows:

By Mr. BAYARD:

Question. Are you a member of the Union League?

Answer. I have been.

Question. Who belonged to the Union League in your county? did all the colored people generally belong to it?

Answer. Pretty much all of them, except a few scattered individuals.

Question. Were you the head of any of the societies of the Union League?

Answer. Yes, sir; I was the installing officer.

Question. You were the installing officer?

Answer. Yes, sir; formed Leagues in different portions of the county.

Question. Did the members of the League take any oath?

Answer. Yes, sir.

Question. What was it?

Answer. They took an oath to be true to the Constitution of the United States and also to the constitution of the State of North Carolina, and to support and defend it.

Question. Do you remember the language of the oath?

Answer. That was pretty much the substance of it.

Question. Have you sworn many people into the Union League?

Answer. Yes, sir; right smart of them; but I always did it with a ritual before me; I read it off.

Question. You are unable to repeat the oath at this time?

Answer. Not all of it. There was also something about education, &c.; that they would educate themselves be moral, sober, good citizens.

IV CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

Question. Was there anything about politics in it?

Answer. Yes, sir; I think there was.

Question. State what it was.

Answer. Well, I will state it.

By the CHAIRMAN:

Question. Give us the whole of the oath as far as you can recollect it.

Answer. I will; only give me time, till I study a little. [After a pause.] I think in those obligations we were requested to vote for no man who was opposed to the constitution and government of North Carolina, and to give no support or aid to any party opposed to any such thing.

By Mr. BAYARD:

Question. Was there any reference in that oath to any political party?

Answer. Yes, sir; so far as that is concerned, that is a reference, that they would not support any one who was opposed to the constitution, who would not support the constitution.

By Mr. WILSON:

Question. Was anything said in the oath about the democratic party or the republican party, as distinct political organizations?

Answer. No, sir; nothing said about the democratic party whatever.

By Mr. BAYARD:

Question. What was said about the republican party?

Answer. There was something or another said about that, but I really forgot the exact words.

Question. How often have you sworn people with that oath?

Answer. I have sworn many and many a man; it was all read off; besides that, I never tried to charge my mind with it.

Question. Was part of that oath to support the republican party?

Answer. I think it was; or at least it would lead to that.

That no violence was either directed or countenanced by this League is manifest throughout all the testimony. Instead of cumbering this report with extracts, we will only refer to pages 31, 41, 87, 99, 119, 132, 144, 147, 180, &c., on which will be found testimony verifying this statement. It is alleged, and some instances are quoted as sustaining the charge, that the members of the League seek to deter the colored voters from voting the democratic ticket. That the sentiment of the League, and of its colored members, is against that party, is entirely clear from the testimony; and the colored man who votes it runs counter to the dominant opinion of his race in the State.

With this preliminary reference to the Heroes of America and to the Union League, we now come to the establishment of what is termed the "Ku-Klux Klan," the real name of which, in its several stages, has been "The White Brotherhood," "The Constitutional Union Guards," and "The Invisible Empire;" the name "Ku-Klux Klan" having been suggested by its members to deceive the public, and to enable them to deny connection with it when asked upon the witness stand whether they were members of that organization. This order was instituted in North Carolina, some time in 1868; certainly before the presidential campaign in that year, and, according to some allegations, as early as 1867. As an exposition of this organization, of the obligations imposed upon its members, the penalty for revealing its secrets, its modes of proceeding, its purposes, members, connections, and extent, we insert here at length the testimony of one of its members—a man acknowledged, by all who have spoken of him, to have borne a good character as a lawyer and a citizen.

WASHINGTON, D. C., January 28, 1871.

JAMES E. BOYD sworn and examined.

By the CHAIRMAN:

Question. Where do you reside, and what is your occupation or profession?

Answer. I live in the town of Graham, county of Alamance, State of North Carolina. I am a lawyer by profession.

Question. How long have you resided there?

Answer. I have lived in the county of Alamance since my birth; I was born in Alamance County; I have lived in the town of Graham about sixteen years.

Question. What knowledge have you, if any, of secret organizations in that county for political purposes, or for purposes affecting the public peace and security? State in full your knowledge on that subject.

Answer. I know of three political organizations that have existed in Alamance County, and of four that have existed in the State. Two in the county were of the same nature; the other was of a different nature.

Question. Proceed and state your knowledge of each of them, and how that knowledge was obtained.

Answer. The first organization in Alamance County that I know of was the Union League, an organization of the Republican party. I was not a member of that organization; I know of it only from the acknowledgments of persons who were members of it, and from their exhibitions. The next political organization I know of there was a political organization known as the White Brotherhood. I joined that organization in the town of Graham in November, 1868.

Question. Go on and state the purposes of that organization.

Answer. I do not recollect the exact words of the oath which I took; I can only give the substance of it. I was not regularly initiated in a regular camp, as it was called; I was initiated in the room of the chief of the county. The oath set out by swearing me never to reveal the name of the person who initiated me. It went on by making me swear that I was not a member of the Union League, Heroes of America, Grand Army of the Republic, or any other political organization having for its object the civil or political promotion of the colored race. I was sworn never to reveal any of the secrets of the organization which came to my knowledge as a member of the organization; to obey all lawful orders of the officers of the organization; that I would attend the meetings as regularly as possible, and comply with the regulations of the organization. The regulations, which were a separate part of the oath, prescribed the manner of holding meetings, the disguise to be worn, and the manner of making raids.

Question. Can you give us in detail what those regulations were?

Answer. The meetings were to be held in secret places—in the woods, or some other place distant from any habitation, in order to avoid detection. The disguise prescribed was a long white gown, and a mask for the face. No applicant could be admitted as a member of the organization until his name had first been submitted to a regular camp. A county was divided into a certain number of districts, and each district composed a camp, which was under the command of a captain. The whole county constituted a Klan, under the command of a chief. No person could be initiated as the member of any camp until his name had been submitted to the camp and his application unanimously agreed to by the members of the camp. The manner of making raids was prescribed by the regulations. No raid was to be made, no person punished, no execution done unless it had first been unanimously agreed upon at a regular meeting of a camp of the Klan and duly approved by the officers and the chief of the Klan. The sign of recognition of the White Brotherhood was by sliding the right hand down along the opposite lapel of the coat. If the party to whom the sign was made was a member of the organization he returned it by sliding the left hand in the same manner down along the opposite lapel of the coat. The word of distress was "Shiloh." There was a sign of distress to be made when a brother was in distress and wanted assistance. I do not remember the sign; it was some sign made by the hand. But if the person was so situated that the sign made by the hand could not be seen, then the word "Shiloh" was used to denote distress.

Question. Does that statement complete the description of the mode of procedure?

Answer. The manner of making a raid was prescribed as I have already stated; that no execution should be done, and no punishment inflicted upon any person, until it had been duly voted upon, unanimously agreed to, and approved by the officers. When a raid was ordered the plan of operation was this: if the person ordered to be punished lived in our vicinity, the persons to execute the punishment came from a distant camp, in order the better to avoid detection. But one person was allowed to speak upon a raid; the person who could best disguise his voice was the person selected to give the necessary orders and commands.

Question. Were you present at any deliberations upon the propriety of raiding against or punishing any one?

Answer. No, sir; I never was at but one meeting of the organization in my life.

Question. But one?

Answer. I attended but one meeting after I was initiated; and nothing was done at that meeting but the initiation of members.

Question. Upon the oath administered, the mode of procedure prescribed, and the gov-

VI CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

ernment of the organization, so far as you have observed, are the members bound to carry out the decrees of the order, if they involve murder and assassination?

Answer. I think so, sir. If it was decided to take the life of a man, a camp is ordered to execute the sentence, and is bound to do it.

Question. What would be the penalty if any member refused?

Answer. I do not know that any penalty was prescribed for that. A member could excuse himself from attendance at meetings, or from going upon raids, if he had a proper excuse. The penalty prescribed in the regulations for the punishment of any member who should disclose the secrets of the order was death. Each member was informed upon his initiation that if he disclosed the secrets of the organization he should be the first victim.

Question. If any arrests should be made by the civil authorities for murders or other crimes committed in pursuance of the decrees of a camp, to what extent did the obligations of members bind them to assist and protect each other?

Answer. To whatever extent was in their power.

Question. Did it go to the extent of giving testimony in behalf of each other, or of acquitting if upon a jury?

Answer. I think that was one of the objects and intentions of the organization; that a person on the witness-stand or in the jury-box should disregard his oath in order to protect a member of the organization.

Question. Do you know of any instances of wrong or outrage perpetrated upon persons in pursuance of the decrees or orders of this organization?

Answer. I do not know of any decrees or decisions they made. I know of punishments that were inflicted by the organization.

Question. State any of them that you now remember.

Answer. The most serious instance in my county, I believe, was the hanging of a negro man by the name of Outlaw, who was taken from his house, in the town where I live, about one o'clock at night, by a band of from eighty to a hundred men, and hung upon an elm tree, not very far from the court-house door.

Question. When was that?

Answer. On the night of the 26th of last February.

Question. What was the offense charged against him?

Answer. I never heard of any. The newspapers have said that he was guilty of having shot at a band of Ku-Klux that passed through the town some time previous; but that was not true.

Question. What was his character as a citizen?

Answer. He was rather a leader among the colored people in my county. He was said to have been president of the Union League, an organization among the colored people.

Question. What was his character as a law-abiding citizen? Do you know him?

Answer. I know him very well, and have known him since my boyhood. He had been a slave, and according to our estimate of slaves we never looked upon any of them as very honest; but I never heard anything derogatory to his character after he was free.

Question. What steps, if any, were taken to discover and bring to justice the persons who were guilty of hanging that man?

Answer. There was a coroner's jury and an inquest, and some witnesses were examined; some of the town people who saw the band in the town, and saw them take him from his house; also a negro woman, who probably lived with him. The verdict of the coroner's jury was, I believe, that he came to his death by a band of disguised men unknown.

Question. Were you present at the inquest, either as counsel or as a spectator?

Answer. I was about the court-house, but not in the room. I have read the evidence that was returned to the clerk's office.

Question. Was any other cause assigned for his death than the one to which you have alluded?

Answer. I never heard of any other.

Question. Have you any knowledge of the number of persons in the county in which you live who are members of that organization?

Answer. Between six and seven hundred, I should suppose. There are, I believe, ten camps in the county, and the camps will average from fifty to seventy-five members each.

Question. What is the whole population of the county in which you live?

Answer. About 11,000. The voting population, according to the last election, is about 1,800 or 1,900, of which the white voters number between 1,200 and 1,300.

Question. Are any but voters admitted into the organization?

Answer. All are voters in North Carolina who are twenty-one years of age, and have resided twelve months in the State, and thirty days in the county.

Question. What I mean is, are persons under twenty-one years of age admitted into the organization?

Answer. Yes, sir; I think I have known some minors who were members of the organization. I think I have, but I am not certain as to that.

Question. Then with about 1,800 voters in your county, you think that about 600 or 700 are members of this organization?

Answer. Yes, sir.

Question. What is the proportion of white and colored voters in your county?

Answer. The county can poll from 1,800 to 1,900 votes. There are between 700 and 800 colored voters in the county, or more; some of them have left. I suppose there are not more than 650 colored voters there now.

Question. Will you please state whether you have made a statement publicly in the State in which you live similar to the one you have now made to this committee; if so, what consequences have been apprehended by you for having given publicity to such a statement?

Answer. I was arrested by Colonel Kirk when he was sent there with his militia; I was the second man arrested in that county. I was then the democratic candidate in my county for the house of representatives of the State legislature. I was arrested and carried to Yanceyville, and afterward released by Governor Holden upon giving bonds for my appearance. I afterward, upon consultation with some of the members of the organization in my county, published a letter signed by myself and sixteen others. I was afterward a witness before the justices of the supreme court in the investigations there. The consequence of my having given this public evidence has been that I have been almost altogether cut loose from society in my county. At the time I was arrested I occupied a leading position there in my party; since that time I have been treated very coolly. I cannot say that in my own county I have, up to this time, apprehended any personal danger, because the demoralization in the organization there, upon the approach of Colonel Kirk, was very great, and also from the expositions made of their purposes. If there has been any spirit to resume the organization, they have not been able to do so as yet, at least in my county.

Question. Do you attribute the cessation of the operations of that organization to any other cause than the appearance of the militia there, and the steps taken to suppress it?

Answer. I attribute it somewhat to this cause; I think a number of the men who were in it before have, by the interference of the militia there, and the trouble many of them were put to by the investigations, been led to think that they had better quit for fear something more serious might happen. I think there are a number of the members of the organization in my county now who would be glad to see it stop forever; but I think there are a number of other members who, if they had the opportunity, would resume its operations. I labor under this disadvantage in regard to information on this subject: since my examination before the justice, I have had very little communication with that class of men, with my former friends, and I can learn very little of their disposition now; everything has been remarkably quiet there since this investigation. The organization has been operating some within the adjoining counties within a short time; some, I believe, in the counties of Guilford, Chatham, and Moore, counties adjoining Alamance.

Question. What you have stated here relates principally, almost entirely, to the county in which you reside?

Answer. Yes, sir.

Question. What is your knowledge of the object and extent of this organization throughout the State?

Answer. I can only state from hearsay—what I have heard from members of the organization. The number of the members of the organization is supposed to be 40,000. Their object was the overthrow of the reconstruction policy of Congress and the disfranchisement of the negro. There are two other organizations besides that of the White Brotherhood, as I said before. I was a full member of one of them, and partly a member in the other. I cannot say that I considered myself really a member of the other. One organization was called the Invisible Empire. There is another organization which rather superseded the White Brotherhood in my county, after it had gone on for some time, and was called the Constitutional Union Guards, whose oaths and manner of operation were about the same. There was very little difference; some change in the signs. The sign of recognition was by crossing the hand on the breast.

Question. Were those separate organizations, with successive grades or ranks, all the same?

Answer. I think the Constitutional Union Guards and the White Brotherhood were not the same. The organizations originated in different parts of the county, having in view the same objects and with about the same grades. There was very little difference in their oaths or regulations, as to the manner of organization or proceedings. I never took the oath as a member of the Invisible Empire. I was at Raleigh last winter, and Dr. John A. Moore, who was at that time a democratic member of the house of representatives of North Carolina from my county, and who was also a member of the White Brotherhood, and knew me to be such, informed me that there was another

VIII CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

organization which was intended to take the place of the White Brotherhood. It was known as the Invisible Empire; and he said that Hamilton C. Jones, a State senator from Mecklenburg County, had agreed to furnish him with the necessary authority to establish it in my county. He informed me what the signs were. The recognition was the same as that of the White Brotherhood, by turning the lapel of the coat as if looking for a pin, and if the party did not notice it, the one making the sign could inquire for a pin to call attention.

Question. Having stated in general terms the objects of this organization to be the overthrow of the reconstruction policy and the disfranchisement of the negro, state now by what means these objects were proposed to be accomplished.

Answer. Well, I think the contemplation was almost any means that were necessary to secure the supremacy of the party opposed to the recent amendments to the Constitution; if it was necessary to whip a man to break down his influence against us, they would do it; if necessary to kill him, they would do that.

Question. What extent of means was to be used to influence elections?

Answer. We can only judge of that by the manner in which the organization has operated to influence elections, by riding around in the night-time disguised to the houses of poor white men and negroes, and informing them that if they went to the election, such and such would be their fate—proceedings of that kind; and by whipping and at the same time informing them that a part, at least, of their offense was having voted the republican ticket.

Question. State whether instances of violence of that character were frequent in the State, and what the effect has been upon the voters?

Answer. The instances have been very common. I think, in a great many instances, some alleged crime was used in connection with the political views of the matter. In a great many instances, where negroes were whipped, they were accused, sometimes, of insults to white ladies, and sometimes of petty larceny, and things of that kind. The organization assumed, sometimes, the nature of regulators as well of political affairs.

Question. Do you mean that they were actually guilty of crime, and that was made a pretext, or that they were accused, whether guilty or not?

Answer. They never waited to ascertain by any competent evidence whether a person was guilty. An allegation brought up in the meeting was sufficient to pass sentence. I can only state as to the fact in my own county. I think it has had the effect there to intimidate a number of negroes into voting the democratic ticket, and also preventing a number from voting at all, and some white people. The conservative ticket was all it there.

Question. Do you refer to the election in August last?

Answer. No, sir.

Question. To what?

Answer. To elections previous to that. In Alamance County, I cannot say that anything of that sort was done, because Colonel Kirk had twenty-five or thirty of these parties under guard, and the balance of them were in the woods, or some of them in Arkansas and Texas, at the time of the August election.

Question. You mean that they left the county?

Answer. Yes, sir; others were in the woods of Alamance or the adjoining county, probably from one hundred to one hundred and fifty of them.

Question. Was it owing to their absence that this influence was not exerted, or the presence of the troops?

Answer. The presence of the troops, their absence, and the demoralization in the organization.

Question. Are there any members of the legislature of North Carolina who are members of the organization?

Answer. H. C. Jones, a senator from Mecklenburg, claims to be a member of the Invisible Empire. I passed the signs with him in his room, at Raleigh, at the time I spoke of having talked with Dr. Moore. I was informed by Dr. Moore that a majority of the conservative members were members of the Invisible Empire.

Question. Was there any officer of either house of the legislature a member of the Invisible Empire, within your knowledge?

Answer. I have no personal knowledge. I was informed that Thomas G. Jarvis, speaker of the house, was a member of the Invisible Empire. I never had any conversation with him, or any indication from him that he was a member.

Question. With Mr. Jones you say you passed the sign of recognition?

Answer. Yes, sir.

Question. Is he a member of the Invisible Empire?

Answer. Yes, sir.

Question. Did he name any person in the legislature who was a member?

Answer. No, sir; he did not. Dr. Moore has made a confession public on the subject. He did not give any names of members of the organization before the justice of the

supreme court, but he stated that H. C. Jones inflated him, or rather let him into the secrets of the Invisible Empire.

Question. Were you examined upon this subject?

Answer. Yes, sir; before Chief Justice Pearson and Judges Dick and Settle.

Question. Is your testimony published?

Answer. Yes, sir; there are a number of mistakes in it. I had not the opportunity to revise it before I left, and make corrections.

Question. What has been the course of the leading men of your party, and of the press, toward you in consequence of the testimony given by you in exposing this organization?

Answer. I do not know, except as to the Sentinel, published in Raleigh, by Mr. Turner, which is recognized as the leading organ of the conservative party. It has abused me very much, and consigned me to infamy in one of its articles directly after my evidence was published. Now, I had a conversation with Mr. Turner at Hillsboro. I was there at a meeting of the stockholders of the North Carolina Railroad, on the 15th of July. I was, at that time, a candidate in Alamance County. He asked me the prospects of success. I told him I thought they were very good. He said then that he heard or had been informed or had some intimation that the Ku-Klux were going to rise the night before election, and go to the houses of the negroes, and tell them if they went to the election and voted they would meet them on their return in the evening. I told him I thought it would be wrong; that I thought we would be able to carry the State, and it would be alleged as unfairness on our part, and would probably cause some interference on the part of Congress or the Government with the election; that we had had enough of such influence in North Carolina. Then he said: "If I were you, I would say nothing about it in my canvass, neither advise it, nor say anything against it; but if the boys can assist you in getting votes in that way, why, all right. Everything is fair in elections."

Question. The popular name by which this organization is called being Ku-Klux, what are the means adopted to deny connection with it?

Answer. In the explanation given by the person inflating, it was stated that the organization was known to the public as Ku-Klux, but that the proper name was White Brotherhood; and this difference was made so that when a person who was really a member of the White Brotherhood was put upon the witness-stand and asked if he was a member of the Ku-Klux, he could safely swear he was not—that he did not belong to the organization whose members recognized that name.

Question. Does the organization keep any record or minutes of its proceedings?

Answer. No, sir, I never saw any. They have an alphabet. The way of writing it I cannot remember. I think it commenced at I for the letter A, and so came around.

By Mr. RICK:

Question. I sounded like A?

Answer. Yes, sir. They had a method of designating meetings in the day-time and night-time which I do not remember precisely, but I think a night meeting was designated by a half-moon drawn on a piece of paper, and the day of the month was put in different places about it, so that those who were well versed in the matter would understand it. The affidavit of John W. Long, who was a member of the organization, gave a full explanation of these things. It was admitted to have been correct, I believe, by other members of the organization.

Question. In speaking about the punishing of men, on these raids, in the first part of your testimony, what do you mean?

Answer. Whatever punishment was passed upon in the camp.

Question. For what were they punished?

Answer. I do not know; just whatever they saw proper. If they thought the man ought to be killed for being too prominent in politics, they would have a meeting and pass sentence upon him. I have no doubt in my own mind (though I have no information from others that such was the case) but what Outlaw was killed in order to break up the organization of the colored voters in my own county, or frighten them away from voting.

Question. Were other punishments inflicted in your county, besides this?

Answer. Yes, sir. In consequence of Outlaw's murder a negro by the name of William Puryear, a half-simple fellow, who, it was said, saw some of his neighbors returning in disguise from Graham, the night that Outlaw was hung, was drowned in the mill-pond.

Question. Were there any whippings in the county?

Answer. Yes, sir. I believe there were one hundred or one hundred and fifty in the last two years in the county, white and black. Some have been whipped two or three times.

Question. Before there was any provocation, what was the general character of the colored people in regard to violence; were they peaceable?

Answer. Yes, sir, as a class. There have been individual instances in which they committed crimes, of course.

Question. Were they crimes in the nature of violence?

Answer. O, no; I never thought they had any organized party in my part of the country to commit any violence.

Question. Is not their character rather the contrary where there is no provocation?

Answer. I think they are a very peaceably-disposed class of people.

Question. Do you know when this organization first started in North Carolina?

Answer. No, sir; my first knowledge of it was some time during the presidential canvass of 1868. I canvassed my county on the Seymour and Blair ticket, and went into the county of Randolph and made a speech at Liberty. There a gentleman from Guilford County, by the name of Higgins, came up to me and said that was his business; and I being a strong democrat, and, of course, favorable to the cause, he had no delinquency in approaching me about it.

Question. Was the order made use of to advance the cause of the democratic party?

Answer. O, yes; undoubtedly.

Question. Do you know who is the recognized leader and head of it in the State of North Carolina?

Answer. I do not; President Johnson was said to have been the leader in the United States; that was the information given to the members when they came in.

Question. Do you not know whether that was true?

Answer. No, sir; only it was so stated.

Question. Was there any understanding that the organization in the county was connected with the State organization?

Answer. O, yes, sir; that was understood, that it was connected not only throughout the State, but throughout the United States.

Question. And ran down to a precinct?

Answer. Yes, sir; to a camp, under command of a captain.

Question. How long were you a member of the organization in good standing?

Answer. Well, sir, I suppose my standing was good up to the time I was arrested by Colonel Kirk; still my friends, in prosecuting my claim for the nomination as a candidate for the house of representatives of North Carolina, met with some opposition among the rampant spirits of the Ku-Klux on account of what they called my disaffection to the organization. They said I had rather taken a position against it within the organization; but my standing, I suppose, could be considered good up to that time.

Question. Were those outrages, whippings, &c., more frequent after the organization started in your county?

Answer. We never had any before.

Question. It was peaceable before the organization of this Klan?

Answer. Yes, sir.

Question. The violence that took place, then, was not from the individual acts of irresponsible men, but by order of the organization?

Answer. My impression is this: The organization did not remain in its original purity; I do not think in many instances they ever took the trouble to carry proceedings through the regular channel; I think, in a great many instances, they just gathered in neighborhoods in camp, and agreed together to execute a decree; a member from another camp would come and tell his friends that there was such a person needed some attention, and they would go out and attend to his case; that was done in order to prove an alibi; the man who was whipped or injured would generally suspect some person who lived in the neighborhood; that is the great reason that none of them have ever been caught or arrested.

Question. You cannot get the men?

Answer. We cannot get the men; and I think it is very probable there are numbers of men in the organization who, if they had ever been brought to the pinch before a jury, would have told the truth about the matter; but that was prevented by instances not occurring in which they were brought out.

Question. It would be difficult to make up a jury in the ordinary way without having some of them on it?

Answer. Yes, sir; especially when the sheriff and all his deputies were members.

By Mr. BAYARD:

Question. You have spoken of your separate organization; you mean secret political organizations?

Answer. I do not know that the League was a secret organization; they held public demonstrations and had marching; I know nothing about the League, except that it was a republican organization; I believe nobody denied being a member of the League?

Question. Do you know whether that is an oath-bound association or not?

Answer. I do not, except as I have heard; I do not know that there is an oath at all.

Question. Do I understand you to say you took an oath to support the White Brotherhood?

Answer. I did.

Question. Who administered the oath?

Answer. A young man by the name of Jacob A. Long, who is now here; my partner in the law business.

Question. Did I understand you to say that your oath was, to obey all lawful orders?

Answer. To obey all orders.

Question. Then you did not use the word lawful in your former answer?

Answer. I did not intend to do it; all regular orders, I intended to say; all orders lawful within the order.

Question. Did I understand you correctly, to say that all sentences passed by these camps were to be the result of a unanimous vote?

Answer. Yes, sir; that was the regulation.

Question. Had any member a veto?

Answer. Yes, sir; one negative would prevent the passage of any decree.

Question. How many such meetings did you personally attend?

Answer. I never was at but one in my life.

Question. Where was that?

Answer. Near Graham; about a mile out of the corporate limits.

Question. What action was taken at that time?

Answer. Nothing except the initiation of some three or four members.

Question. Was any punishment decreed?

Answer. No, sir; that was, I suppose, some three or four days afterward.

Question. Have you personal knowledge of the voting of any sentence of punishment?

Answer. I have not.

Question. Was the evidence in Outlaw's case published?

Answer. No, sir; before the coroner's inquest, you mean?

Question. What county was he killed in?

Answer. Alamance.

Question. Who was the prosecuting officer?

Answer. J. B. Bulla.

Question. Do you know whether he ever took steps to have any one indicted for that offense?

Answer. I do not think he ever took any steps. I do not know that he made any effort before the grand jury.

Question. Where does he live?

Answer. In Ashboro, Randolph County.

Question. Did you take an oath in the Invisible Empire?

Answer. No, sir; I took an oath when I joined the Constitutional Union Guards, which was about the same.

Question. Was not one of the conditions of that oath entire secrecy in regard to all that was embraced in it?

Answer. Yes, sir; and death was the penalty.

Question. Did I understand you to say that since you publicly renounced your connection with the organization and had disclosed its secrets, you had been treated with coolness by your former friends?

Answer. Yes, sir; I have been published by the newspapers, the Sentinel especially, and some other papers of smaller note have taken some notice of it. None have spoken in good terms of me.

Question. Except the matter of newspaper talk and partial coolness to you, have there been any acts of violence toward you?

Answer. No, sir; there has been no attempt.

Question. Have you continued to reside in the same place?

Answer. I have.

Question. And continued your avocations?

Answer. I have attended very closely to my own business. I have not mixed in public since.

Question. Have you any knowledge whether these organizations of which you have spoken exist now?

Answer. Well, I think they do, outside of my county. I cannot say it really exists as an organization in my own county now. I think it was demoralized by the interference there. I think they exist in the adjoining counties; probably in the State, at other places, to some extent.

Question. Did I understand you that the elections in 1870 were not impeded by this organization in the counties of which you spoke?

Answer. I do not think it was; I am satisfied it was not in my county just at that time.

Question. Were you a candidate at the last election?

XII CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

Answer. No, sir; I withdrew from the canvass at the time I was arrested and after my letter was published.

Question. Had you been nominated at that time? Were you on the ticket?

Answer. Yes, sir.

Question. For what?

Answer. For State house of representatives.

Question. When did you withdraw?

Answer. About the 20th of July. I was arrested on the 15th, and released on the 19th.

Question. Have you held consultations with members of the republican party with respect to this testimony here?

Answer. I have talked to republicans about the state of affairs there.

Question. Since your resignation from the democratic ticket?

Answer. Yes, sir, and before. I never made any revelation to a republican or any other person outside of the organization as to my being a member, or having anything to do about it, or its objects or aims, or anything of that kind, before that.

Question. You spoke of Dr. John A. Moore, of Raleigh.

Answer. He lived at Company's Shops; it was at Raleigh I had the conversation with him last winter.

Question. You stated, as I understood you, that he had informed you that a majority of the conservative members of the legislature were members of the Invisible Empire; when was that conversation?

Answer. Some time last winter; I think in February.

Question. Do you mean members of the present North Carolina legislature?

Answer. No, sir; the old legislature. We elected a new one last August.

Question. What was the preponderance of sentiment in the legislature of 1870?

Answer. Out of one hundred and twenty members of the house, only about forty or forty-five were conservative. In the senate, out of fifty members, there were about thirteen conservatives.

Question. Where does Josiah Turner live?

Answer. In Hillsboro; he edits the Sentinel at Raleigh.

Question. Have you personal knowledge of the infliction of punishment upon any individual in pursuance of the sentence of one of these organizations; or is your knowledge derived from hearsay?

Answer. Yes, sir; I think Outlaw was hung pursuant to sentence.

Question. How do you know that?

Answer. I knew that the organization of the White Brotherhood hung him.

Question. Were you then a member of it?

Answer. I was.

Question. Did you vote upon his case?

Answer. No, sir.

Question. Were you present at the meeting that condemned him?

Answer. No, sir.

Question. How, then, did you know?

Answer. Members of the organization who were present at the hanging told me afterward that they were there. At least one member did.

Question. Is that the only case of which you can speak?

Answer. Well, I know of some whippings which I learned from members of the organization afterward were done by the organization.

Question. What year were they?

Answer. In the year 1869. Outlaw was hung in 1870.

Question. Do you know of any acts since Outlaw's of the character you describe?

Answer. In my own county I do not. Yes, sir; there were one or two whippings I think, in the spring, some time after Outlaw was hung; directly after the squad of United States soldiers were sent to my town. I think Hamilton Bren was whipped.

Question. How long were the United States troops stationed there?

Answer. They came shortly after Outlaw was hung—about a week, I think—and they were there regularly, I think, two or three days intervening between the departure of one company and the coming of another. One company was ordered to Lumberton, Robeson County, some time in September. They were there regularly since September.

Question. Who was in command?

Answer. The first company that came was in command of Captain Collins. I forgot the number of his regiment. The next was in command of Captain John A. Andrews, brevet lieutenant colonel. The last was in command of Evan Thomas.

Question. You say they were sent to Lumberton, Robeson County?

Answer. Yes, sir; to suppress a band of robbers in that county.

Question. Have you any knowledge of any other organized bands of men to commit violence in the State than those you have mentioned?

Answer. No, sir.

Question. Either by hearsay or otherwise?

Answer. I have seen some publications in the Sentinel about a band of colored men

who were burning barns in Wake County. They tried them at a special session of the supreme court of Wake County last week, and they were acquitted. I did not pay much attention to it. It was stated that there was such an organization, and, I believe, that it was out-bound. I have not read the evidence.

By the CHAIRMAN :

Question. You stated that a majority of the members of the legislature of 1870 were republican, and that Dr. Moore told you that a majority of the conservative members of that legislature were members of this organization?

Answer. That is what I stated. A republican could not join the organization unless he violated the principles he professed.

Question. You stated that the meeting at which you were initiated was near Graham; was it held in a building?

Answer. No, sir; in the woods. There were, I think, some fifty or sixty members present when I got there. They all had on their disguises. I did not have any disguise myself. I never owned one or had one on.

Question. Did you recognize any persons in that disguise?

Answer. No, sir; because their faces were covered; the gown extended to their feet, and it was ornamented about the head with horns.

Question. Were they your neighbors whom you did know after you discovered them?

Answer. Yes, sir; some of them took off their disguises in my presence.

Question. How was the meeting protected from intrusion?

Answer. By pickets. Sentinels were posted around on the edge of the public road leading to Graham and to the Haw River, about a mile distant. It was in a thick woods, and they posted sentinels in every direction. The approach of a person was marked by a slapping of the hands, two slaps. If he was a member he would slap his hands, and he was answered by the sentinels from one to another till he came to the regular meeting. Candidates were brought in in the same manner by members of the organization. They, of course, had been approached about it before.

Question. Was there any reference to the Constitution of the United States in any of the oaths?

Answer. In the Constitutional Union Guards, as I understood, not in the oath, but in the explanation of the object, it was stated to be the reestablishment of the Constitution as it was, without the amendments.

Question. Were you sworn to support the Constitution of the United States?

Answer. I am certain I was not in the White Brotherhood, and I think they are not in the Constitutional Union Guards.

Question. Where any reference was made to the Constitution of the United States what explanation was made as to the meaning?

Answer. There was no reference whatever made to it in the White Brotherhood. In the Constitutional Union Guards the object was, as I have stated, as I understand, to restore the Constitution as it was, without the amendments brought about by the reconstruction policy.

Question. Have you any knowledge about the attempted assassination of Senator Shoffner?

Answer. Senator Shoffner introduced a bill into the legislature authorizing the governor to declare a county in insurrection, and to call out the militia to suppress raids and disturbances of the peace. The act appears in the statutes of 1869 and 1870. The introduction of the bill created considerable indignation among the members of the organization. The first I knew about it, a friend by the name of W. S. Bradshaw, whose affidavit I think appears in evidence, came to me one day in Graham, and told me that sentence had been passed on Shoffner, and the Klan would be at Shoffner's house that night to execute him. That was some time during the recess of the legislature for the Christmas holidays. It adjourned over from about the 20th of December till the 15th or 20th of January. I told Bradshaw it ought to be prevented if possible. Shortly afterward, I think, Dr. Moore, a member of the legislature, came into town, and I told him about it. He consulted with me, and finally agreed to get on his horse that night and go in the direction in which the men were coming, and turn them off by telling them that Shoffner had gone to Greensboro. Dr. Moore did go, and he afterward informed me that he met the parties and prevailed on a man by the name of James Bradshaw to tell them that Shoffner was in Greensboro, and that his wife was in a precarious condition, about giving birth to a child, and by various arguments and reasonings he induced them to go back. He told me he knew three of the men in the crowd. One was F. N. Strudwick, a member of the legislature from Orange; and another was A. Hogepath, of Hillsboro.

Question. Mr. Shoffner, consequently, was not killed?

Answer. No, sir. I have learned since that he was actually in Greensboro. I did not know it at the time. Captain E. S. Enles, who was a member of the Constitutional Union Guards, stated in his examination before the justice that he heard of the

XIV CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

same effort being made to murder him that night, and he carried him to Greensboro; induced him to go.

Question. Did any members of the organization make any statement about their knowledge of or participation in the murder of Outlaw?

Answer. Yes, sir. I stated before that James Bradshaw told me he was along with the crowd that murdered him.

Question. Did you know him to be a member of the organization?

Answer. Yes, sir.

Question. Was there any other person—a man named White?

Answer. There was a young man by the name of White; he was quite a youth. I do not recollect that I ever saw him before he spoke to me about it. Directly after the soldiers came there (I suppose he had learned that I was a member) he came up to me on the street and said, "I understand the officer here has got the names of sixteen of us boys that were here the other day." I understood him to refer to the night Outlaw was hung. I told him I had not had any intimation of the kind. I did not know that such was the case. That was the only conversation I had with him.

Question. Do you know where Bradshaw is now?

Answer. He went West; but he is at home now, in Alamance County, or was, so I was informed. I have not seen him.

By Mr. BAYARD:

Question. You speak of White being a mere youth. How young were boys permitted to join this organization?

Answer. Really, I do not know. I think he was eighteen or nineteen years old. He lived in the country, and I had not been acquainted with him. I think he was as young a man as I know that belonged to it. I did know one young man who belonged to it in another section of the country, by the name of McMurray.

Question. By the rule of the organization, did youths of his age become members?

Answer. There was no inquiry as to age. I am satisfied, however, that a mere youth would not have been taken in.

Question. How old was this one?

Answer. About eighteen or nineteen.

Question. Did you take any part in the war on either side?

Answer. Yes, sir; I was in the confederate army three years; about eighteen months in the infantry service and about the same length of time in the cavalry. I belonged to the First regiment, General Barringer's brigade, Company H.

By the CHAIRMAN:

Question. So far as you know, what is your belief as to the proportion of persons in this organization who were soldiers in the confederate service?

Answer. Really, now, the majority. Nearly every man in the country was a soldier in the army, between the ages of sixteen and fifty.

Question. Are the majority of persons in the organization confederate soldiers?

Answer. I take it to be so, simply because a majority of the men were in the confederate service in some way, either in the junior or senior reserves, or regular service.

In corroboration of this testimony, we refer to the evidence taken in the examination before Judge Thomas, in the Lenoir County cases, communicated in the President's message, and to the testimony before your committee of W. S. Bradshaw, J. W. Long, Thomas F. Williford, Lucien H. Murray, and George W. Rogers, all of whom were members of the organization. The oath, of which the substance is given in Mr. Boyd's testimony, is as follows:

You solemnly swear in the presence of Almighty God that you will never reveal the name of the person who initiated you; and that you will never reveal what is now about to come to your knowledge; and that you are not now a member of the Red String Order, Union League, Heroes of America, Grand Army of the Republic, or any other organization whose aim and intention is to destroy the rights of the South, or of the States, or of the people, or to elevate the negro to a political equality with yourself; and that you are opposed to all such principles: So help you God.

You further swear before Almighty God that you will be true to the principles of this brotherhood and the members thereof; and that you will never reveal any of the secrets, orders, acts, or edicts, and that you will never make known to any person, not a known member of this brotherhood, that you are a member yourself, or who are members; and that you will never assist in initiating, or allow to be initiated, if you can prevent it, any one belonging to the Red String Order, Union League, Heroes of America, Grand Army of the Republic, or any one holding radical views or opinions; and should any member of this brotherhood, or their families, be in danger, you will inform them of their danger, and, if necessary, you will go to their assistance; and that you will oppose

all radicals and negroes in all of their political designs; and that should any radical or negro impose on, abuse, or injure any member of this brotherhood, you will assist in punishing him in any manner the camp may direct.

You further swear that you will obey all calls and summonses of the chief of your camp or brotherhood, should it be in your power so to do.

Given upon this, your obligation, that you will never give the word of distress unless you are in great need of assistance; and should you hear it given by any brother, you will go to his or their assistance; and should any member reveal any of the secrets, acts, orders, or edicts of the brotherhood, you will assist in punishing him in any way the camp may direct or approve of: So help you God.

With this testimony and the terms of this oath before him, no reasonable man can doubt that the purpose of this organization was political; and any attempt on the part of the witnesses to give it the character of a league simply for the protection of person and property, can be viewed only as an additional evidence of the extent to which its demoralizing effect and influence have been carried, or of their ignorance of its real character.

It is to be noticed that, after enjoining secrecy, the first requisite to membership is that the novice is not a member of the "Red String" order or of the "Heroes of America." Bearing in mind that this order (Heroes of America) was opposed to the rebellion, that its members were charged with treason against the confederacy, and that it had for its object "adherence to the Constitution of the United States and the restoration of the Union," it follows that the spirit of the organization into which men are admitted under this oath is that of the rebellion, and that it refuses fellowship to those who were true to the United States.

The second requisite is that applicants are not members of the Union League. Taking the objects of the League, as given in the testimony, it is clear that no member of it could be admitted into this order; and that an obligation "to be true to the Constitution of the United States and to the constitution of North Carolina, and to support and defend them," disqualified the man who had taken it for membership in the "White Brotherhood."

The third requisite is that the candidate is not a member of the "Grand Army of the Republic;" so that the soldiers of the Union Army cannot be admitted into it. In the light of this requirement it is not at all singular that the revelation should be made that the majority of its members had been soldiers in the rebel army.

The next assertion, guarding against any other possible organization similar to those named, is that they, "the Heroes of America," the "Union League," and "the Grand Army of the Republic," have the aim and intention "to destroy the rights of the South, or of the States, or of the people, or to elevate the negro to a political equality with" the white man. Asserting this, the man initiated is sworn that he is opposed to all such principles. As if this were not enough, the obligation is made express that no member of these organizations, or "any one holding radical views or opinions" shall be allowed to be initiated. The further obligation to "oppose all radicals and negroes in all of their political designs," some members of the order stated they did not remember. But whether it was a part of the obligation or not, the effect of the preceding obligation leads to that result.

It is not necessary to pursue the argument further, nor to cite from the evidence to show that an organization, itself secret, which by the terms of its oath excludes all members of one political party, and members of other secret societies whose objects were to protect and preserve the government of the United States, is of a political character. What is that political character? The testimony is uniform that none but members of the democratic or conservative party in the State of North

XVI CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

Carolina joined it. This being the case, the members and press of the political party which, according to the testimony quoted, had forty thousand of its adherents enrolled in these camps, would be, to say the least of it, under great temptation to palliate their offenses or to withhold denunciations when crimes were charged against them. To show how this subject is viewed, we give the testimony of several gentlemen of high standing in opposite political parties, in their own words. Judge Battle, a leading member of the bar, a conservative, and a well-known citizen of North Carolina, who was counsel for prisoners arrested as members of the "Ku-Klux Klan" upon their application to be discharged upon writs of habeas corpus, states in reference to the hearing upon those writs as follows:

Question. Was not the appearing of these parties before these judges looked upon as involving a partisan question?

Answer. Well, it came immediately after the application for the writ of habeas corpus, and the people had become greatly excited. It assumed, therefore, somewhat of a party character.

Question. Was it not looked upon as involving the relative position of the parties in the State with regard to the Ku-Klux organization? Was not that the tone in which the public sentiment ran at that time?

Answer. I can hardly answer that question.

Question. In other words, was it not looked upon in this light: that the leading members of the conservative party either sought to screen or excuse these outrages, while those of the republican party sought to bring them to justice?

Answer. Well, sir, that was charged; I cannot say that it was so.

Question. It is for the very purpose of getting your candid opinion of the fact that I put the question. Taking the leading men and the leading presses of the conservative organization of North Carolina, can you say that they unequivocally and unhesitatingly denounced these outrages?

Answer. Well, sir, I know that they did to some extent; and I know that they were charged with not doing it to a sufficient extent.

Question. Taking the leading men and presses of the republican organization, did they unequivocally and unhesitatingly denounce these outrages?

Answer. They did.

Question. Then any support or apology that the organization or its outrages had was from the conservative party?

Answer. Yes, sir; in defending them. I grant that they were formed for the purpose of acting against the Union League. I believe one produced the other.

Question. That was the ground taken in apology for them?

Answer. Yes, sir.

Judge Settle, one of the judges of the supreme court, a republican, testifies on the same subject as follows:

Question. What is the expression of public sentiment with reference to these outrages? Is there any division; and if so, how is the sentiment divided?

Answer. Well, sir, a great many of all parties condemn the outrages; but, strange to say, a great many of our best people seem to think that it is right. They say, if it was not for the Ku-Klux, they could not have anything in their corn-crisbs or smoke-houses, and that the Ku-Klux are their only protection. I have heard of some of the best ladies in the State using those expressions. A great many say they thank God that the Ku-Klux are there, or use such expressions as that.

Question. Is it your belief that the organizations are encouraged by the idea that they have the support of either of the political parties, as a party?

Answer. Well, sir, I cannot doubt the fact that all the members of it that we know or have ever heard of belong to one party. I should dislike very much to believe that all of the same party were members of it, or even approved of it; in fact, I know they do not. I believe the most efficient aid I had in Rockingham County, in stopping this thing, eighteen months ago, came from a democrat. I think the speech of Governor Reid, who is an ex-Senator of the United States, had more to do with stopping it than anything I did.

By Mr. BAYARD:

Question. Was he a democrat?

Answer. Yes, sir; a leading democrat of the State. He denounced the movement, and told them they would put every man's life and property at the mercy of the mob if persisted in. But he is an exception.

By the CHAIRMAN:

Question. Give us your belief as to the true position of the political organizations with reference to this organization.

Answer. Well, sir, I must think that the present democratic party there, judging from the circumstances, are encouraging it. I do not think it is accidental. In the course of our investigation last summer it leaked out in the testimony that Hamilton C. Jones, present member of the legislature, gave the signs of the Invisible Empire to James E. Boyd, who was then a democratic candidate for the house of commons for Alamance County. Dr. Moore, also, who had been a member of the previous house, gave the signs of the Invisible Empire. Mr. Boyd had belonged to the White Brotherhood, and this was a new organization to make it more compact, it was said. After Dr. Moore had given the signs to Mr. Boyd they walked down to the Yarboro Hotel and went into the room of Colonel Jones, who also gave Mr. Boyd the signs. It was not proved that they were members, but Mr. Boyd said in his testimony that Mr. Jarvis was in the room when Hamilton C. Jones gave him the signs. It was further stated by Mr. Boyd that he learned from Dr. Moore that Frederick N. Strudwick, a grandson of a former chief justice, Frederick Nash, was on his way to assassinate Senator Shoffner, who had introduced the stringent militia bill. Well, at the next session of the legislature, Mr. Jarvis was made speaker. He is speaker of the present house. No person swore positively that Mr. Jarvis was a member of the organization, but Mr. Boyd swore that Dr. Moore informed him that Jarvis was a member, and that Jarvis was in the room when Jones gave the signs. Mr. Jones is a prominent member of the senate, and Judge Warren, who is presiding officer, being in feeble health, Mr. Jones frequently presides in that body. It is notorious that the resolution of impeachment of Governor Holden was passed in caucus. Mr. Strudwick was charged with introducing, and did introduce, the resolution. He was also prominent in bringing forward a bill, which passed, and became a law forthwith, to repeal the act which had been passed, introduced by Mr. Shoffner. I draw from these facts the inference that the legislature must be controlled by those men who were honored by the party, and who were elected last summer as members of the party, and I think that is the general opinion.

Question. Do I understand you, then, to say that the weight of what is known as the conservative or democratic party at present gives encouragement to this organization, and that those of that party who denounce it are exceptions?

Answer. Yes, sir; that is the general opinion there.

Mr. Bynum, a district solicitor, testifies on this subject as follows:

Question. Do the political parties divide in their sentiments in regard to the outrages committed by this organization, or do those of the same political party differ with each other in regard to them? Give us the true state of feeling on that subject.

Answer. I think the republican party as a party are universally opposed to these Klans; they are regarded by them as confined to the democratic party, or the conservative party, as it is called there. The conservative party are divided on the subject. I think the respectable portion of that party discontinue these outrages. I think none of them openly give them countenance. But I think these organizations are generally confined to the most worthless class of society. The difficulty with me has been that I apprehend they are tacitly countenanced by the conservative party, who are willing to derive the benefits that may result from their operations.

Having thus spoken of the secret political societies, the other branch of the question is to be answered: What crimes and outrages have been committed by them?

Nothing is alleged against the "Heroes of America," or "Red String" order, except treason against the southern confederacy.

Although the intrusion of the members of the "Grand Army of the Republic" into the "White Brotherhood" is guarded against, there is no evidence to show that the organization of the "Grand Army of the Republic" exists or has existed in the State of North Carolina; nor does any evidence appear that it is a political organization; nor has any other complaint appeared against it than its alleged interference with the rights of the South, or of the States, which may be inferred from the terms of the oath of the "White Brotherhood."

A band of outlaws, organized for plunder and with no political purpose, consisting of a few mulattoes, in a settlement called Scuffleton, is shown to have existed in Robeson County.

That individual members of the League have violated the laws there is no doubt. That they were arrested, identified, tried, convicted, and

XVIII CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

punished by the regular administration of law in the courts, is testified to by men of all parties. Crime is alleged to have been committed in pursuance of an organized movement among the colored people recently in Chatham County, and also in Wake County, where burns and perhaps other buildings were burned. In those cases the offenders have been arrested and are held for trial.

W. S. Bradshaw, a most unwilling witness, a member of the Ku-Klux organization, who spoke of the offenses of the negroes as a reason for the establishment of the Ku-Klux order, upon cross-examination testified as follows. Having spoken of a negro boy who was convicted and hanged, the question was put:

Question. Was there any trouble in convicting negroes when they were arrested and tried for offenses of that kind, with the evidence against them?

Answer. None at all.

Question. What justification, then, was there for the formation of the White Brotherhood if the law could be executed?

Answer. Well, sir, that was just alleged as a reason.

Question. Was it alleged as a pretext?

Answer. And then it was argued by some that whenever they were tried and convicted they were pardoned by the governor.

Question. That man that was hanged was not pardoned, was he?

Answer. No, sir.

Question. How about the other man?

Answer. The other man was never tried.

Question. Then was anybody pardoned in your county?

Answer. I do not know. I cannot remember the names.

Question. Was there any negro tried and convicted in your county and pardoned?

Answer. No, sir.

Question. Was not this allegation about protecting yourselves from the wrongs of the negroes a mere pretext for that organization? Was there anything real in it?

Answer. Well, sir, I do not know.

Question. What do you believe about it?

Answer. My own opinion about it was that the civil law could always be executed.

Question. And that there was no reason to justify the organization of that society for that purpose? What do you say to that?

Answer. I think so; that is my opinion. I think the civil law could always be executed in my county at any time.

The offenses charged against the Ku-Klux (and we use that term to cover the three associations whose purposes and modes of operation are shown to have been the same, and concealed under this name) are numerous. The message of the President contains documents tending to show the existence of this organization in Stokes County as early as the fall of 1867; it being alleged that tobacco traders and distillers who evaded the revenue laws were the first to introduce it there, and that the whipping of negroes, and threats of violence to prominent men, because of their political opinions, soon after commenced. Up to the 27th of October, 1870, twenty-one cases of whipping and shooting are reported as having occurred in Lincoln County. From the 1st of December, 1868, to the 22d of December, 1870, a list of thirty-eight cases is furnished, as having occurred in Alamance County, embracing two of murder, one of mutilation, many of whipping, threats of violence, &c.

The same message also communicates the preliminary examination before Judge Thomas, of the third judicial district, at Newbern, in the cases of the Lenoir County prisoners, charged with conspiracy. The testimony, taken on cross-examination, shows the existence of the "Ku-Klux" organization in Lenoir and Greene Counties in April, 1869; that the death of Sheriff Colgrove was voted in one of their meetings, because he assisted to arrest one Hines, a member of that order; that he was murdered in pursuance of that decree, in April, 1869; that Hines, with another member of the order who was confined in jail with him, was forcibly released from the jail at Kluston, by his fellow-members; that

in January, 1869, entrance to the same jail was procured by a stratagem practiced upon the keeper, and four men who were there charged with crimes were taken out, and two or more of them were murdered.

The testimony of witnesses before your committee relates to the same proceedings that are thus referred to in the message of the President, besides many cases not therein referred to.

It has been impossible to gather from the instances scattered throughout the testimony an entirely accurate list of the outrages that have been committed. In many instances numbers of cases are mentioned as having occurred in a given locality, without giving the names or dates. Starting with the cases in Lincoln County, the following are specifically referred to as having occurred in other counties:

LINCOLN COUNTY.

Harriet Quickel, black, whipped and shot.
 Sam Ward, wife, and daughter, black, whipped.
 Rufus Friday and wife, black, whipped.
 James Falls, black, whipped.
 Charles Sumner, black, whipped and robbed of \$15.
 John Connely, black, whipped and shot.
 William Maghee, black, robbed in the woods of all his money.
 Reuben Litton, black, whipped and shot.
 Jerry Wood, black, whipped and drove from home; life threatened if he returned.
 J. Barringer, black, whipped and drove from home; life threatened if he returned.
 Rufus Bindhardt, black, whipped and shot dangerously.
 E. Wilfong, black, whipped and shot dangerously.
 Peter Hoover, black, whipped.
 Lawson Friday, black, whipped and shot.
 S. Matz, black, whipped.
 John Miller, white, whipped and shot.
 Adeline Fisher, white, whipped.
 Mary Fisher, white, whipped.
 Sally Fisher, white, whipped.
 J. McMollen, white, whipped.
 Jeff Herndon, black, house robbed of two guns.

ALAMANCE COUNTY.

Wyatt Outlaw, colored, hung.
 William Puryear, colored, drowned.
 Caswell Hall, colored, whipped and shot.
 Murphy Reeves, white, shot.
 Hamilton Bren, colored, whipped.
 Joseph Harney, colored, whipped.
 Squire Alston, colored, whipped.
 William Harniday, white, whipped.
 Alonzo B. Cortiss, white, whipped.
 John Ringstaff, white, whipped.
 Leonard Rippy, white, whipped.
 Sandy Sellars, colored, whipped.
 Nathan Trollinger, colored, whipped.
 William Simpson, white, whipped.
 Anthony Foster, white, whipped.
 Polly Gappins and daughter, white, whipped.
 John Baron, white, whipped.
 T. Siddell, white, whipped.
 George Rippy, colored, whipped.
 Andy Shaffner, colored, whipped.
 Eli Outlaw, colored, whipped.
 Lily Alston, colored, whipped.
 Alfred White, colored, whipped.
 Arch. Duke, colored, whipped.
 Don Worth, colored, whipped.
 James Cole, colored, whipped.
 John Overman, white, whipped.
 John Bass, colored, whipped.
 John Foust, colored, whipped.

XX **CONDITION OF AFFAIRS IN THE SOUTHERN STATES.**

Amos Forshea, colored, whipped.
Henry Holt, colored, whipped.
Levi Dickey, colored, whipped.
Alvis Plchar, white, whipped.
Lizzie Elmoro, white, whipped.
Clay Thompson, colored, whipped.
James Long, colored, whipped.
Bill Long, colored, whipped.
Porter Mabem, colored, whipped.
John Baron, white, whipped.
Monroe Freeland, colored, whipped.
Hamilton Puryear, colored, whipped.
Harney Albright, colored, whipped.
Moses Albright, colored, whipped.
Lindsay Kinney, colored, whipped.
John Albright, colored, whipped.
Sully Holt and daughter, white, whipped.
John Libius, white, whipped.
Alfred Hartwell, colored, whipped.
Thomas Foust, colored, whipped.
Matilda Foust, colored, whipped.
Rachel Foust, colored, whipped.
Alfred White, colored, whipped.
Duncan Hazel, colored, whipped.
John White, colored, whipped.

CATAWBA COUNTY.

Newton Willfong, colored, whipped and shot.
A. L. Ramsour, white, whipped.
Eljah Finger, colored, whipped.
Newton Killian, colored, whipped.
Sidney Mutts, colored, whipped.
Lawson Blackburn, colored, whipped.
George Conly, colored, whipped.
Jim Coulter, colored, whipped.
Robert Sawyer, colored, whipped.
Rufus Rhinchart, colored, whipped.
Steven Warlich, colored, whipped.
Isaac Robinson, colored, whipped.
Daniel Bullinger, white, whipped.
Lotty Willfong, white, whipped.
Maria Probst, white, whipped.
Bob Robinson, colored, whipped.
Michael Petrie, white, whipped.
Peter Young, white, whipped.
Mahala Willfong, white, whipped.
John Fowler, white, whipped.
William Hall, white, whipped.
Henry Bost, white, whipped.
Mony Carpenter, white, robbed.

GRAVENS COUNTY.

——— Whitfield, colored, shot.
——— Jones, colored, shot.

CASWELL COUNTY.

J. W. Stevens, white, shot.
Samuel Allen, colored, whipped.
——— Jones, white, whipped.

CHATHAM COUNTY.

——— Burke, white, whipped.
Charles Bright, white, whipped.
——— Thomas, white, whipped.
Luke Wilson, colored, whipped.
Wright Farrington, colored, whipped.

JONES COUNTY.

Sheriff Colgrove, white, shot and killed.
 Justice Shophord, white, shot and killed.
 ——— Grant, colored, shot and killed.
 ——— Worley, colored, whipped.

ORANGE COUNTY.

William Guy, colored, hung.
 Cyrus Guy, colored, hung.
 ——— Wood, colored, hung.
 Jefferson Morrow, colored, hung.
 Daniel Morrow, colored, hung.
 Inmates of poor-house, colored, hung.

ROCKINGHAM COUNTY.

Mary Lomax, colored, killed.
 Watt Richardson, colored, whipped.
 Lindsey Polindexter, whipped.

RUTHERFORD COUNTY.

Almon Owens, white, whipped.
 Nelson Burge, colored, whipped.
 Tobby Jenkins, colored, whipped.
 Dick Bean, colored, whipped.

WARE COUNTY.

Dacey Johnson, colored, whipped.
 Sam Clemens, colored, whipped.
 Squire Sorrell, colored, whipped.

OTHER COUNTIES.

——— Brooks, (Madison County,) colored, whipped.
 Jordan Alexander, (Yancey County,) colored, whipped.
 ——— Ralford, (Cumberland County,) white, whipped.
 ——— Oates, (Cleveland County,) white, whipped.

Besides these specific cases of outrages, the testimony refers in general terms to others committed in Moore, Chatham, Person, Buncombe, Surry, Yadkin, Davie, Stokes, Robeson, Sampson, Duplin, Lenoir, and Gaston Counties.

This list of crimes suggests the question whether they were committed by members of the Ku-Klux organization and by its direction or with its countenance. The testimony already quoted and referred to shows that in many instances the murders and whippings of men were expressly voted upon in their meetings, and executed by the members. When it is remembered that a disclosure of their secret proceedings incurs the penalty of death, and that of all other secrets, such as involve the members in the guilt of assassination, murder, and violence would be most sacredly guarded, it is remarkable, not that so little evidence has been procured bearing upon particular cases, but rather that any should have been elicited. Members of the order, unwilling to go into details, have, however, stated enough in a general confession to authorize the belief that this organization, by whatever pretense men were induced to enter it, stopped short of no means, however criminal, to accomplish its purpose.

The following is the statement referred to by Mr. Boyd as prepared and signed by members of the order in Alamance County about the time the State militia were sent to that county by Governor Holden; and that the difficulty of procuring candid, straightforward testimony

XXII CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

from many who have been connected with this order may be seen, we refer (without quoting) to the evidence of W. S. Bradshaw, whose name is attached to it, (pp. 298, 299,) as to how he authorized it to be put there after a denial that he signed it:

ALAMANCE COUNTY, July 28, 1870.

We, the undersigned, citizens of Alamance County, do hereby acknowledge that we have been members of an organization in said county known to the public as the Ku-Klux Klan, but known to the members thereof as the White Brotherhood, or Constitutional Union Guard.

This organization in the outset, as we understood it, was purely political, and for the mutual protection of the members thereof and their families; but, since joining, we have been pained to know that, while the objects of the organization were to attain certain political ends, the means used and resorted to were such as would shock a civilized and enlightened people. And we hereby publicly and independently dissolve our connection with this organization, and call upon upright and law-abiding citizens everywhere to do the same thing, knowing, as we do, that unless the crimes which have been committed by this organization can be put a stop to, and the organization itself entirely broken up, civil liberty and personal safety are at an end in this county, and life and property and everything else will soon be at the mercy of an organized mob.

We intend to see that the signs, grips, and pass-words of this organization are fully exposed, together with the plans of operations, &c., so that the people everywhere may see with their own eyes.

In making these confessions we have implicated no one but ourselves, but we hope that our friends will take warning, from what has transpired within the last few days, and immediately withdraw from organizations such as we have mentioned, and assist us and all other good citizens in restoring peace and good order in our county.

CLEMENT C. CURTIS.

JAMES E. BOYD.

ROBERT HANNER.

JOHN R. STOCKARD.

JACOB MICHAEL.

J. N. H. CLENDENIN.

HENRY ALBRIGHT.

JAMES H. FOUNT.

D. D. TEAGUE.

A. J. PATTERSON.

J. A. J. PATTERSON.

JOHN G. ALBRIGHT.

CHRIST. C. CURTIS.

S. A. CURTIS.

W. S. BRADSHAW.

JARPER N. WOOD.

In addition to this, the testimony, almost without exception, establishes that the outrages perpetrated by these bands in disguise were inflicted upon members of the republican party, both white and colored; in some instances the fact that they were of that party being given as the reason for the punishment; in others, alleged crime being the pretext, while in some, such acts as keeping a Sunday school for colored children were given as a sufficient reason.

In one instance three negroes assumed the disguise of the Ku-Klux to cover their crimes, but they were detected, convicted, and are now in the penitentiary. Some of the witnesses also say that they have no doubt the disguise was assumed in other cases by bad men who were not Ku-Klux.

The second inquiry, namely, whether person and property are secure in the State, is considered in two aspects:

1. Has the civil law adequately protected those wronged, and punished those who are guilty of these crimes?

2. To what extent does this organization still exist and commit acts of violence?

On the 12th of April, 1869, an act was approved making the act of going masked, disguised, or painted, a felony. It was intended to punish the class of cases enumerated. How far it has been effective, may be gathered from the following extracts from the testimony of judges, prosecuting officers, and others.

W. P. Bynum, solicitor of the 9th judicial district, (p. 53,) says:

Question. To what extent have the persons charged with committing these outrages been arrested and punished?

Answer. I have sent bills before grand juries in several counties upon evidence that I regarded as sufficient to find bills upon, and evidence that was uncontradicted before

the grand juries, but, in most instances, the grand juries have ignored the bills. I think I have succeeded in getting one or two bills from a grand jury. In one instance, where I did obtain a bill against some seven or eight persons for entering a house and terrifying some women, whose husbands were absent, and committing some violence upon them, before the case came on for trial the prosecutors were compelled to leave the country, as they themselves alleged to me.

Question. How compelled to leave?

Answer. By threats of violence and intimidations. They moved into Tennessee.

Question. Did you succeed in bringing any of those cases to trial?

Answer. I have never yet succeeded in bringing a single case to trial.

Question. In how many cases have applications been made to you?

Answer. A great many more applications have been made to me than I have prepared bills for. In some instances the parties have come to me, many of them wounded, beaten and bruised, and have agreed to come back and appear before the grand jury, but, when court came, they did not return. In some instances they have come to me and begged not to be sent before the grand jury, because they were afraid to tell what they know; afraid to name the persons who they were satisfied committed the outrages.

Question. Of what were they afraid; of violence?

Answer. Of violence; yes, sir.

Judge Settle, of the supreme court, (p. 86,) says:

Question. What has been the effect on the public mind, with reference to the security of person and property, of these outrages, and the difficulty in the way of punishment?

Answer. Well, sir, I suppose any candid man in North Carolina would tell you it is impossible for the civil authorities, however vigilant they may be, to punish those who perpetrate these outrages. The defect lies not so much with the courts as with the juries. You cannot get a conviction; you cannot get a bill found by the grand jury, or if you do, the petit jury acquits the parties. In my official capacity I sit with Judge Pearson and Judge Dick. Judge Pearson issued a bench warrant last summer for some parties, and had them brought before him at Raleigh. He requested Judge Dick and myself to meet him. We did so, and the trial extended over three weeks, and there it came to our knowledge that it was the duty and obligation of members of this secret organization to put themselves in the way to be summoned as jurors, to acquit the accused, or to have themselves summoned as witnesses to prove an alibi. This they swore to; and such is the general impression. Of course it must be so, for there has not been a single instance of conviction in the State.

Question. Upon investigations made before you in your official capacity, have you any doubt that a state of things exists requiring men to shield themselves in the way you have mentioned?

Answer. None whatever. I am satisfied, from their own declarations and from the effect visible in all the courts, that it is so.

Question. Where they are charged with offenses, is there any probability of securing justice against them in counties where the organization exists at all?

Answer. Well, sir, my belief is that the organization extends to every county in the State. I am satisfied that the organization is a very extensive one. I have no doubt it is much more numerous in some counties than others, and I believe the middle or Piedmont region of the State is the chief nucleus, and that there the outrages have been the most numerous.

Question. Does that include Alamance County?

Answer. Yes, sir; it includes the counties of Alamance, Orange, Moore, Chatham, Rockingham, Caswell, and Person.

Judge Henry, of the 11th district (p. 109,) says:

I rode the seventh circuit in the fall, known as the Salisbury circuit, and I heard a great deal of complaint there from the solicitor.

Question. Name the counties composing that circuit.

Answer. Surry, Yadkin, Davie, Rowan, Davidson, Forsyth, and Stokes. The solicitor, Mr. A. H. Joyce, a very prominent and sensible gentleman, told me that he had attempted to have these persons indicted for terrible outrages, which he detailed to me, and though he had made thorough cases against them before the grand jury, they were invariably acquitted, and I heard the same from other solicitors throughout the State. I do not know anything of my own personal knowledge.

Question. From your intercourse with the judges and solicitors of the State, and your own observation, what is your belief as to the possibility of securing justice in the courts against members of this organization who commit the outrages?

Answer. I think the judges who preside in the districts where these outrages have been committed regard that statute as a dead letter. I do not think they think they can enforce it.

Question. For what reason?

Answer. Well, sir, they regard these men as bound together by terrible oaths to acquit each other, and do any kind of false swearing for the benefit of each other.

XXIV CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

T. B. Keogh, a practising lawyer in Guilford County, after having spoken in regard to the enforcement of the laws by the courts, testifies as follows, (p. 125:)

By Mr. BAYARD:

Question. I am not speaking with any design to find fault with the courts.

Answer. You asked me to give my opinion whether the laws are administered there properly and thoroughly.

Question. Well; what is your answer to that?

Answer. My answer is, that in some instances, where parties, for instance, are concerned in outrages committed by the order of which we have been speaking, my observation is that there are no convictions. I know that people have been whipped and scourged, and some have been killed; but the guilty have never been brought to punishment. Of course, the courts are the proper tribunals to award the punishment, but they have never been able to do it in any of those cases. Arguing from that, I think the laws have not been administered as they should have been. I do not say that is the fault of the courts, but it is the result of a combination outside of the courts that prevents the administration of justice in those particular cases. An alibi is proved in nearly every case. Now, it is very singular that in all that class of cases that should be the general line of defense, and they always prove an alibi without any difficulty.

Judge Battle (pp. 159, 160) says:

Question. From the whole of the testimony adduced in the case, have you any doubt about the murder of Outlaw having been ordered and committed by the Ku-Klux organization?

Answer. That is my impression—that it was.

Question. What cause, if any, was given to justify that murder?

Answer. It was said that he had shot at a parcel of Ku-Klux who were passing through the town of Graham. That was a rumor; I do not know whether it was true.

Question. That was the only cause assigned?

Answer. That was the only cause I recollect having been assigned.

Question. You have spoken of the conviction of certain persons, as announced in the papers; were any of the men tried and convicted of the hanging of Outlaw?

Answer. They have not. The impression on my mind is that only one has ever been identified, except one or two who were suspected, who have fled the country.

Question. Has anybody been arrested for the hanging of Outlaw?

Answer. I do not think there has; I believe the only ones they could fix upon with any sort of certainty have fled the country.

Question. Have you any knowledge of the arrest, trial, and conviction of any persons charged with having committed these outrages as members of the Ku-Klux organization?

Answer. There are a good many of them now bound over to court in Alamance County, ready to stand trial.

Question. Thus far has there been any conviction in the State of North Carolina?

Answer. I do not think any have been convicted as yet; but the testimony that was produced before these Judges, by which several were bound over to court in Alamance County, was certainly sufficient to produce their conviction.

Judge Russel, of the fourth district, (p. 170,) says:

Question. In cases arising out of injuries alleged to have been inflicted by this secret disguised organization, do you believe that there is any difficulty in the administration of justice in the courts in consequence of the existence of the organization?

Answer. Well, I do not remember that there has been any indictment in any court over which I have presided against these masked marauders. I have a very decided opinion on that question, but I cannot speak from any positive personal observation.

Question. We would be glad to have your opinion, as a judicial officer of the county, of the state of things in your district?

Answer. Do you desire me to speak specially with reference to my district, or elsewhere in the State?

Question. Elsewhere in the State, if your information is such as to have formed an opinion upon it.

Answer. Well, sir, my information extends over most of the State, for I have taken the trouble to inform myself in respect to at least two-thirds of the State where these depredations have occurred, and from what I consider reliable authority, my opinion is very decided that it is utterly impossible to secure anything like a fair trial in any case where any person belongs to any of these secret organizations or clans, Constitutional Union Guards, &c.; utterly impossible in any such case to obtain a fair trial on the part of the State. In the first place, it is difficult to procure a bill of indictment through the grand jury. In nine cases out of ten, the men who commit the crimes

constitute or sit on the grand jury, either they themselves, or their near relatives or friends, sympathizers, aiders, or abettors; and, if a bill is found, it is next to impossible to secure a conviction upon a trial at the bar. I have heard of no instance in North Carolina where a conviction of that sort has taken place.

Question. Does that difficulty arise from the presence of members of the organization on the jury, or from the appearance of witnesses in behalf of the organization, or both?

Answer. From both, so far as my information goes.

Question. To what extent is that the case in the State at present; in how many counties or districts that you are aware of?

Answer. Well, sir, my opinion is that it is the case in every county where these organizations have been introduced. They have not been introduced in all the counties, so far as my observation goes. For instance, in my own district, I am sure there are at least two counties where they have never been introduced at all, and one of these is a very strong democratic county.

George Laws, democrat, and clerk of the court in Orange County, after having spoken of negroes that were tried and hanged for murder, says, (page 192, 193):

Question. You have given three instances in which negroes were hung in your county by white men in disguise; have any of the disguised men who committed those murders been arrested and tried?

Answer. No, sir; not that I know of. There was a great deal of excitement about it, but they did not know who to arrest. A great many good citizens there were desirous of ferreting it out.

Question. As an officer of the court in Orange County, have you had communication with the people of the county on the subject of these outrages?

Answer. Yes, sir; I know every man in the county. They have talked with me frequently. I will stand right here now, that so far as the execution of the law in Orange is concerned, I would risk my life that a five-year term, if I had the process in his hand, could arrest any man in Orange county.

Question. There is no difficulty in making arrests?

Answer. None in the world.

Question. When a member of the Ku-Klux organization is charged with a crime, is there any difficulty in procuring evidence against him?

Answer. I think that is the great difficulty; you cannot get the evidence.

Question. When you get these cases into court do you find any difficulty from members of the organization being on the jury?

Answer. We do not get a bill.

Question. What is the reason?

Answer. I do not know.

Hon. Bartholomew F. Moore, (p. 200, 201,) says:

Question. After the process has been executed and the alleged criminals arrested, have you known any instance in which the offenders charged with what are known as Ku-Klux outrages have been convicted?

Answer. Well, sir, I cannot call particular cases to recollection. I think there have been many convictions, and there have been many unjust acquittals.

Question. Can you call to mind any case now in which a person charged with committing what is popularly known as outrages by the Ku-Klux has been convicted? If so, give us the name of the case, and where it occurred.

Answer. I do not practice in either of those counties, and am therefore personally unacquainted with the particular cases, but there have been convictions time and again, as I have seen reported through the papers. For instance, I think there are some two or three persons now in the penitentiary, perhaps white and black both, that went out in disguise under a pretended organization of what they call Ku-Klux.

Question. Do you recollect any other case than that of the negroes in Alamance County where the parties were convicted?

Answer. No, sir; I do not. All, or very much that I have seen about it, has been from the examination that has recently taken place in the impeachment of Governor Holden, except as it has been currently reported through the papers.

Question. You do not recall any instance from your recollection?

Answer. No, sir; I do not.

Thomas F. Willeford, himself a member of the Ku-Klux, after speaking of some parties who had been detailed to kill a United States detective at a distillery, but who failed in the attempt and were themselves arrested, says, (p. 241):

Question. What was done with them?

Answer. They were turned over to Judge Thomas, I believe, and I don't know what over they did do with them.

XXVI CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

Question. Did you ever hear that any of them were convicted?

Answer. No, sir; never did.

Question. Have you ever heard of a Ku-Klux being convicted of any offense there?

Answer. No, sir.

Question. Was there anything in the obligation you took, or the rules of the order, as to your being obliged to defend men by your oaths, or otherwise?

Answer. Yes, sir; if he could get you in as a witness, you had to swear him out, let you be swearing a lie or not. If you swore against him, why you might just as well be a-traveling at once.

Question. You mean by that you would be in danger of your life from the order?

Answer. Yes, sir.

Question. Anything about getting on the jury?

Answer. Yes, sir; if we could get on the jury we could save him, do what you please.

Question. No matter what the proof?

Answer. Yes, sir; you could not bring proof enough to convict.

Judge Brooks, of the United States court, (p. 275,) says:

Question. Now, as to those outrages which it is alleged have been committed by this secret organization in various parts of the State, do you know of any of the criminals who have been arrested, tried, and convicted for having been engaged in those outrages?

Answer. I do not know of any.

Question. Has there been any one so tried and convicted, to your knowledge?

Answer. I do not know of any. There are some cases—the first cases of that character—that I have reason to believe will come up at a future term of the Federal court. Arrests have been made by order of the United States commissioner, and the parties have been bound over for trial; but the cases are not yet in court.

With the fact clearly appearing that the only conviction of men alleged to be Ku-Klux was that of three negroes, who sought to screen themselves by assuming disguise to cover their depredations upon other negroes in Alamance County, many persons, and some of those whose testimony is quoted, have stated that they believe person and property are as secure under the laws of North Carolina as under those of Massachusetts or Pennsylvania. With the exception of the outrages committed by the secret armed bands of Ku-Klux, the statement is true. To what extent that opinion is sustained as to these offences, when it is shown that over one hundred crimes, ranging from murder to petty larceny, have been committed by the members of an organization made up of adherents of one political party, and that in no one instance has there been conviction or punishment, must be left to the reader of the testimony herewith submitted.

Under this state of facts it is idle to say that in the past the victims of violence have been protected, or public safety secured by the vindication of the law and the punishment of the guilty.

How is it now? In pursuance of the authority conferred upon him by act of January 29, 1870, to secure the better protection of life and property, Governor Holden, in March, 1870, declared the county of Alamance in insurrection. For his reason see his letter and the law as quoted in Executive Document No. 16, part 2, pages 41 and 42. About the 22d of June he sent the State militia into that county under command of Colonel Kirk. Numerous arrests were made of persons charged with being members of the Ku-Klux organization, who were held as prisoners in military custody until released upon writs of *habeas corpus*. It was when these arrests were made that a number of persons confessed to have been members of the order, and upon the hearing before Judge Pearson disclosures were made of its objects and obligations as they have been disclosed by witnesses before the committee. The policy of the course pursued by Governor Holden in the exercise of the power conferred upon him by the law referred to, and the conduct and character of the troops employed and of their officers, have been freely commented upon by many witnesses, and while condemned, without

exception, by the conservatives, seem also to have created some division of sentiment among his political friends. Cruelties upon persons are testified to as having been inflicted by officers which, if true, cannot be too strongly reprobated. The officers deny them, and it is to be observed that the witnesses who prove the most aggravated cases admit that they are members of the Ku-Klux organization. Whatever view may be taken of the power exercised or of the wisdom of exercising it, the governor seems to have considered it effective for the time being, and to have hoped for the continuance of peace and order. In his annual message, delivered on the 22d of November, 1870, he used this language in reference to that proceeding:

The result of this action on the part of the executive, in pursuance of the constitution and the laws, has been in the highest degree fortunate and beneficial. The power of the State government to protect, maintain, and perpetuate itself has been tested and demonstrated. The secret organization which disturbed the peace of society, which was sapping the foundations of the Government, setting the law at defiance, and inflicting manifold wrongs on a large portion of our population, has been exposed and broken up. Well-meaning, honest men, who had been decoyed into this organization, have availed themselves of this opportunity to escape from it, and will henceforth bear their testimony against it as wholly evil in its principles and its modes of operation. A score or more of wicked men have been driven from the State, while those of the same character who remain have been made to tremble before the avenging hand of power. The majesty of the law has been vindicated. The poor and the humble now sleep unmolested in their houses and are no longer scourged or murdered on account of their political opinions. Peace and good order have been restored to all parts of the State with the exception of the county of Robeson, in which some murderers and robbers are still at large, but it is expected they will speedily be arrested and brought to punishment. In view of this altered and gratifying condition of things, I issued another proclamation on the 10th of this month, revoking former proclamations, which placed Alamance and Caswell in a state of insurrection. Allow me, gentlemen, to say to you in the language of this proclamation of the 10th instant, that I trust that peace and good order may continue; that partisan rancor and bitterness may abate; that our people of all classes and conditions may cultivate harmony and good-will among themselves, and that the whole people of the State, without respect to party, may unite fraternally and cordially to build up North Carolina, and to elevate her to the proud eminence which she once occupied as a member of the American Union.

These anticipations do not seem to have been realized, for since that time, in other portions of the State, acts of violence have again been committed, as appears from the following extracts of testimony.

Robert W. Logan, of Rutherford County, (p. 127,) testifies:

Question. What, in your opinion, would be the effect upon the order if the leading conservatives should unite in condemning it publicly as well as privately, and trying to put it down?

Answer. The time has been when they could have stopped the thing without much trouble, I think; but I doubt now if it has not gone so far that they could not stop it.

Question. Are you acquainted in the adjoining counties?

Answer. I am in Cleveland County, just below where I live.

Question. State, if you know, what is the condition of that county?

Answer. That county is in a very bad condition. Persons in disguise have been riding through it and committing numerous depredations for a few months past.

Question. Can you state any cases?

Answer. I can give one or two instances, but not generally; there are so many of them.

Question. Of what nature were they?

Answer. Whipping, shooting, burning; all kinds of depredations. As I came through the county on my way here, they told me there had not been a night since just before Christmas but what they had been seen riding, and that they had been committing depredations nearly every night. Some nights they had just rode around through different neighborhoods and done nothing. About a week or ten days before Christmas, there was a party of about thirty of the Ku-Klux order went to the house of an uncle of mine, about a mile or two below the Rutherford line, in Cleveland County. They first went into the kitchen, where the colored people were living—some four or five colored men and women—and made some inquiries about my uncle, to know whether he was at home or not. They then went off, and came back again in about fifteen minutes; went to the kitchen again, took all the colored men out, talked to them, and made various threats, and one of them by the name of Dick Bean they carried off up

XXVIII CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

the lane some two hundred yards from the house, and commenced beating him with sticks and clubs very severely. He told me he concluded it was life or death any way, and so he made a struggle and got loose, and as he ran off they fired at him. Some members of the family told me they thought there were at least twenty or twenty-five guns fired. One ball took effect, striking his hip and passing through his leg. It was a very severe but not a serious wound. He got away. While they were at the house they broke open the trunks, closets, &c., took what money and jewelry they could find, and made all the colored men promise they would never vote the radical ticket again.

That the organization still exists may be gathered from the following testimony of one of its members, Thomas F. Willeford, (p. 250):

Question. Do you know whether it exists in that (Cabarras) county?

Answer. Yes, sir, I believe it does, but I do not think there has been any crime, or anything done in some time.

Question. You think it has been pretty quiet for the last year and a half?

Answer. No, about half a year.

Question. Since the last election?

Answer. A little while before election.

O. D. Upchurch (p. 107) says:

Question. Do you mean that since the last election there have been no outrages of this character?

Answer. Oh, no, sir; I do not say that; because one was committed the other day to my certain knowledge. A witness that I had against an illicit distiller gave evidence before a commission in Raleigh, and on his return home he was whipped very severely. He was a white man of some character. I do not say it was finally stopped, but it is not so rampant as it used to be.

Virgil S. Lusk (p. 118) says:

Again, a day or two before I left home, the same man, Brooks, I have spoken of heretofore, came into my office and said he had been assaulted again by these parties. He told me they came to his house after he and his wife had retired and called for him. His wife told them that he was not at home. They then broke down the door, came in and commenced abusing and maltreating his wife. He stated to me that they attempted to rape her. He groped about in the dark and got hold of an ax and struck one of them with it. As he went out of the door he was struck over the head with a club. He showed me the scar, reaching from the eye to the hair. When he got out into the yard he struck another one of them with the ax. He went to his friends about it and they advised him to leave; they said he had killed two men and perhaps they would kill him. So he left and came to Ashville. They followed him and inquired for him at another house, but he made his escape by flight. This is about all I know of outrages committed in my district.

Ethelbert Hubbs (p. 59) says:

In that county, (Lenoir,) a short time ago, about a month, I think, there was a band of disguised men went to the house of a colored man by the name of Whitford, called him out of his bed, and shot him in cold blood, and carried away his horse. Then they proceeded to another house and shot a man and woman who occupied it, and took away a horse from that place. One or two of these men, I think, were recognized by the woman who was shot, and upon her information Sheriff Hunter arrested them, as I learned from him before I left; and he stated that without doubt they were guilty. On my way here I learned that they were discharged, as is customary, on straw ball. I have heard of a great many outrages by common report.

George W. Nason (p. 71) says:

Question. You speak of a gin-house and barn being burned in Onslow County; when was that?

Answer. Week before last, before I started from home.

Question. Have you knowledge of the circumstances?

Answer. The man who owned them told me since that he had abundant reasons to believe that they were burned by these desperadoes on account of his being a northern man and a republican.

Judge Settle (p. 86) says:

Judge Reade informed me the other day, in Raleigh, that a party went to several cabins on one of the plantations in Pearson County and shot one negro dead, and also shot two others, who recovered, and whipped several others. The two who recovered were badly shot. The men who did these things said that heretofore they had only whipped, but that it was going to be changed, and for the future they were going to kill. The judge sent for the witnesses—in fact for the whole neighborhood—and he told me that

when he brought them up, it was with the greatest difficulty they could be got to testify. They asked to be let alone; they preferred to submit to the treatment they had received rather than run the risk of telling it.

W. P. Bynum (p. 56) says:

Question. In the appendix to the message of Governor Holden I find a letter over your signature, under date of May 20, 1870. I will read a paragraph:

"On the whole I am satisfied that, as a law officer, I can do nothing through the ordinary channels of the courts. In my judgment, there are only two ways of arresting the evil: First, by arousing public opinion to put it down; or, secondly, by invoking the aid of United States troops, and making some sharp and decisive examples."

That had reference to the wrongs of which you have spoken, as having been committed by this organization. Was that the state of things as you believed it to exist at that time?

Answer. Yes, sir; and in connection with that I will state that since that time, and up to about the 1st of January, there have been several other very serious outrages committed. Two or three colored persons, to my knowledge, have been shot, and a great many whippings have taken place in the counties of Cleveland, Lincoln, and Gaston. I will state in regard to one case that came to my knowledge only a few days ago. It is the case of a white person of the name of Carpenter. He stated that he had employed two negroes to work for him this year; that they were negroes of good character, honest and industrious. Shortly after he had employed them he was advised by some of his neighbors to send them off; that they did not want them in that neighborhood. He declined to send the negroes away, and a night or two afterward a disguised band came to his house. They went into his house, ran him off, broke open his drawers, searched the house from bottom to top, and when they went away they carried off, he says, eighty dollars in money. They ran the negroes off, and alarmed his wife, who was there alone with four or five children, and he stated that since that time his wife has been in such a condition that she has been afraid to live here; that he had abandoned his house, and gone to live in a log cabin or kitchen, because it was a more secure place; and that he and his family were now sleeping on the floor, apprehending an attack every night. He also says that since he has reported that money had been stolen from his house they had sent him word that the Ku-Klux do not steal; that he would have to take that back, or he would be severely dealt with. He also stated that he voted the conservative ticket.

Judge Logan (pp. 186, 187) says:

In the county of Rutherford, about three weeks ago, a white woman was whipped. The information that I had about it was that it was done by men disguised. In the county of Rutherford my opinion is that a fair trial could be had; that is, if the evidence were sufficient to convict any one of any offense. These are the only instances that happened in the county of Rutherford.

Question. Were the outrages inflicted by persons in disguise?

Answer. Yes, sir; all of them. The persons that I had arrested appeared before me and the proof was that they were disguised.

I left home last Monday week; I saw different men on the road, as respectable as any in the State of North Carolina—men who had heretofore been bold and fearless about telling to any one what they believed to be the case, but who have now become fearful, and have stopped talking.

Question. Do you refer to their talking about the organization itself, or to the expression of their political views?

Answer. Both; in talking about the organization and the course that its members pursue; in speaking of any one belonging to the Ku-Klux organization, for instance, and of their going out and whipping people, or passing censure on any one connected with any such order.

A. L. Ramsour says:

Michael Petrie they whipped two weeks ago; I happened providentially to go by his house the morning after it happened.

John Fowler, a young man I was guardian for, that was my body guard; they whipped him the other night.

Question. The other night?

Answer. Yes, sir; just about two weeks ago; he was staying with his grandmother, an old lady sixty years old, and they frightened her pretty near to death.

Mony Carpenter, a white man, was robbed of \$80 the other week by men in disguise.

XXX CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

In connection with these symptoms of reviving activity we cannot overlook what has transpired in the legislature of the State since the message of the governor was delivered. It will be borne in mind that the perpetration of the numerous crimes in Alamance and Orange Counties by armed and disguised bands was the reason given for declaring these counties in insurrection; that many arrests were there made, by Governor Holden's order, of persons suspected of belonging to the Ku-Klux. While some were arrested who were not shown to be members, one who acknowledges he was a member states (p. 324) that the large majority of those who were held with him as prisoners acknowledged to each other that they did belong to the order.

The feeling that would be aroused against the governor in a fraternity bound together by such oaths and by the terror of the common peril in which they stood for the multitude of crimes they have committed, would naturally be intense. The effect of these outrages upon the colored voters was to keep many of them from the election. (See testimony of Caswell Holt and A. L. Ramsour, pages 343, 344.) This, coupled with the introduction of an issue arising out of the prodigal and unjustifiable use by the railroad presidents of the bonds issued on the credit of the State for public improvements, resulted in the defeat of the party friends of Governor Holden at the election, and an adverse majority was returned to the legislature. Frederick N. Strudwick, a member of the house of representatives, whose name is unenviably connected in the testimony with an alleged arrangement as a member of this order to assassinate Senator Shoffner, (pp. 20, 143, and 87,) introduced resolutions of impeachment against the governor, and he is now upon his trial before the senate upon eight articles which charge him with declaring the counties of Alamance and Caswell in insurrection when there was no insurrection, with the arrest of a number of persons who were taken into custody by Colonels Kirk and Bergen, under his order, and with unlawfully paying from the public treasury the troops called out by him to suppress the disorders in those counties. The law authorizing the governor to declare counties in insurrection has been repealed, and one witness states that the act making it a penal offense to go disguised has also been repealed.

With what feelings and apprehensions the class of persons who have heretofore been the victims of the lawless outrages in Alamance County look to the result of these proceedings, will be better understood by giving the words of a citizen of the county than from any inferences of the committee. He says:

Question. To what did you attribute the cessation of these outrages?

Answer. Well, I attribute it to this: just simply waiting for an opportunity; the feeling there against loyal men has not abated.

Question. Upon what do you base that statement?

Answer. Upon statements made by parties who say that when certain things have transpired, then they will bring certain men to account.

Question. What things?

Answer. Whenever they have impeached the governor of the State, and have convicted him and turned him out of office, and also the judiciary of the State, as they propose to do, then they will take charge of the men in my county.

Question. Does that refer to the impeachment proceedings now pending?

Answer. Yes, sir.

Question. Are the men who have made statements of that kind members of the Ku-Klux organization?

Answer. I do not know; or rather, I will modify that statement by saying that men have told me so who said they belonged to it.

That such feelings should be entertained will not be considered surprising when it is remembered that so far as the testimony taken shows the condition of the State, it is clearly established—

1st. That the Ku-Klux organization does exist, has a political purpose, is composed of members of the democratic or conservative party, has sought to carry out its purpose by murders, whippings, intimidations, and violence, against its opponents.

2d. That it not only binds its members to carry out decrees of crime, but protects them against conviction and punishment, first by disguises and secrecy; second, by perjury, if necessary, upon the witness-stand and in the jury-box.

3d. That of all the offenders against the law in this order, (and they must be many hundreds, if not thousands, because these crimes are shown to be committed by organized bands ranging from ten up to seventy-five,) not one has yet been convicted in the whole State.

Such being the state of affairs, it is surely not necessary that the committee should argue the insufficiency of the reasons given for establishing an order which has led to such results. Whatever may have been the original purpose of the Ku-Klux, or the offenses of those to counteract whom they allege the order was established, it now has gone so far as to present the issue between government and anarchy; and, if it has not reached it, is fast approaching the point where, in that issue, there can be no neutrals. With such an army of criminals at large, with no power in the State tribunals to bring them to justice; with their organization, oaths, and secrecy, baffling and defying all the appliances of the law, and bringing them to each other's aid; with the consciousness that they number enough to turn the scale of political power in favor of the party with which they act, so long as their violence and intimidation are successful against those whom they oppose; with these facts in view, he must have a credulous nature who believes that any temporary lull in the activity of such an agency at once of crime and of power, imports continued security to those who must become either victims of their crime or submissive suppliants to their power.

The testimony taken covers a large number of the counties of the State, but not all. The time intervening between the appointment of the committee and the close of the session has not enabled us to examine all the witnesses we have summoned and who were in attendance. The pendency of the impeachment trial at Raleigh has rendered it impossible to bring from there the chief justice and other witnesses whom we deemed it important to have before us. But the testimony of so many of the judicial officers of the State as we have taken can leave no doubt that, as against the violence of this Ku-Klux organization, the authorities of the State cannot secure to its citizens "life, liberty, and the pursuit of happiness."

The resolutions do not charge the committee with the duty of examining into the power of Congress to afford a remedy for so great a deprivation of their rights suffered by citizens of the United States, under the government of a State. They have discharged their duty in reporting the facts so far as their investigations have enabled them to do so, and in the light of these facts, whether any and what remedy can be applied, must be left to the deliberations of Congress to determine.

In closing this report as to the investigation thus far made into outrages in North Carolina, it is proper to say that the largest latitude was allowed in the examination of witnesses; that they were not confined in their statements by any technical rules of evidence; that no objection was made to any member of the committee examining upon any question that he considered had any relation to the subject of inquiry; and that consequently much of the testimony elicited may seem to be foreign to the question whether outrages were committed, and whether

XXXII CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

person and property are secure in the State. Of this class, particularly, is that relating to the management of railroads and the disposition of the State securities by railroad presidents. Where public men, of either party, have been reflected upon by testimony in this incidental way, it was the design of the committee to call them that they might have the benefit of their own statements in answer; but want of time and other reasons already stated have prevented our doing so.

While engaged in prosecuting the inquiry as to North Carolina many communications have been received calling for examination into outrages of similar character to those complained of in that State, which have been committed, before and since the committee was organized, by bands of men in disguise in other States. Complaint is made that within the last two weeks the capital of Kentucky was entered, in the night, by a body of men armed and masked, who proceeded to the jail, took possession of it, set at liberty a man charged with murder, and then rode away unmolested. Shortly before that the jail at Union, South Carolina, was entered and ten prisoners taken out and killed. Like complaints of murder, scourging, and violence, without redress, and demands for investigation and the protecting arm of the Government against these lawless marauders, have been forwarded from the States of South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Virginia, Kentucky, Texas, and Tennessee. Into none of these could the committee examine, considering it better to pursue our inquiry to completion, if possible, in one State, rather than take partial and disjointed statements as to all, and leaving to the Senate the determination of whether the public interests require this investigation to be pursued further.

Respectfully submitted.

JOHN SCOTT.
HENRY WILSON.
Z. CHANDLER.
BENJ. F. RICE.
JAMES W. NYE.

JOURNAL

OF THE

SELECT COMMITTEE OF THE SENATE TO INVESTIGATE ALLEGED OUTRAGES IN THE SOUTHERN STATES.

IN THE SENATE OF THE UNITED STATES, *January 19, 1871.*

Resolved. That the message of the President of the United States communicating copies of reports of outrages upon persons and property in the State of North Carolina, and other Southern States, be referred to a select committee, to consist of five members, who shall have power to employ a clerk and stenographer, to send for persons and papers, and to investigate the matters therein referred to, and into the truth or falsehood of the crimes and outrages of a political character, alleged to have been committed in the Southern States, and whether there be in those States security for persons and property.

Ordered, That the committee be appointed by the Vice-President.

JANUARY 20, 1871.

The Vice-President appointed Mr. Scott, Mr. Wilson, Mr. Chandler, Mr. Rice, and Mr. Bayard, said committee.

Attest:

GEO. C. GORHAM,
Secretary.

By W. J. McDONALD
Chief Clerk.

WASHINGTON, D. C., *January 21, 1871.*

The committee met pursuant to call of its chairman; present, the chairman, (Mr. Scott,) Messrs. Wilson, Rice, and Chandler.

The chairman was authorized to procure the services of William Blair Lord as stenographer of the committee, and to select a clerk.

The committee then adjourned to meet on Monday, the 23d inst., at 10 o'clock a. m., in the room of the Committee on Retrenchment.

WASHINGTON, D. C., *January 23, 1871.*

The committee met pursuant to adjournment; present, the chairman, (Mr. Scott,) Messrs. Wilson, Chandler, and Rice.

The oath of July, 1862, was administered by the chairman to Wm. Blair Lord, (appointed stenographer.)

On motion of Mr. Chandler,

Ordered, That any two members of the committee, in the absence of the other members, may take testimony.

The resolution of the Senate, of January 19, 1871, authorizing the appointment of a committee, was laid before the committee by the chairman.

The messages of the President of the United States, of January 13, and 17, 1871, relating to affairs in North Carolina, were laid before the committee by the chairman.

The committee adjourned to meet at 10 o'clock a. m., to-morrow.

XXXIV CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

WASHINGTON, D. C., *January 24, 1871.*

The committee met pursuant to adjournment; present, the chairman, (Mr. Scott,) Messrs. Chandler, Rice, and Bayard.

The following witness was examined: Joseph W. Holden.

The committee adjourned to meet at 10½ o'clock a. m., to-morrow.

WASHINGTON, D. C., *January 25, 1871.*

The committee met pursuant to adjournment; present, the chairman, (Mr. Scott,) Messrs. Wilson, Chandler, Rice, and Bayard.

After having been some time in session, the committee adjourned to meet on Friday, the 27th inst., at 10½ o'clock a. m.

WASHINGTON, D. C., *January 27, 1871.*

The committee met pursuant to adjournment; present, the chairman, (Mr. Scott,) Messrs. Wilson, Bayard, and Rice.

Thomas A. Maguire was appointed clerk of the committee, to whom the chairman administered the oath of July, 1862.

The following witness was examined: George W. Kirk.

The committee adjourned to meet at 10½ o'clock a. m., to-morrow.

WASHINGTON, D. C., *January 28, 1871.*

The committee met pursuant to adjournment; present, the chairman, (Mr. Scott,) Messrs. Bayard, Rice, and Chandler.

The following witnesses were examined: George W. Kirk, (concluded,) James E. Boyd, Henry O. Lashlee, Peter R. Harden.

The committee adjourned to meet on the 30th inst. at 10½ o'clock a. m.

WASHINGTON, D. C., *January 30, 1871.*

The committee met pursuant to adjournment; present, the chairman, (Mr. Scott,) Messrs. Rice, Chandler, and Bayard.

The following witness was examined: Peter R. Harden.

The committee adjourned to meet at 10½ o'clock a. m., to-morrow.

WASHINGTON, D. C., *January 31, 1871.*

The committee met pursuant to adjournment; present, the chairman, (Mr. Scott,) Messrs. Wilson, Chandler, and Bayard.

The following witnesses were examined: W. G. Turrentine, Samuel Allen.

Ordered, That arrangements be made for the immediate printing of the testimony taken by the committee, and that the Superintendent of Public Printing be directed to furnish the committee with twenty copies, in sheets, as the same may be printed, in order to enable the members more conveniently to examine the testimony previous to drawing up the report; the Superintendent to take measures that the testimony furnished to him for printing shall be kept secret, and no copies of the same to be furnished to any one without the order of the committee.

The committee adjourned to meet at 10½ o'clock a. m., to-morrow.

WASHINGTON, D. C., *February 1, 1871.*

The committee met pursuant to adjournment; present, the chairman, (Mr. Scott,) Messrs. Wilson, Bayard, Rice, and Chandler.

The following witnesses were examined: Samuel Allen, (concluded,) W. P. Bynum.

CONDITION OF AFFAIRS IN THE SOUTHERN STATES. XXXV

On motion of Mr. Chandler,

Ordered, That the chairman be authorized, in the consideration of any appropriation bill in the Senate, to ask that the appropriation for defraying the expenses of this investigation be increased to \$20,000.

The committee adjourned to meet at 10½ o'clock a. m., to-morrow.

WASHINGTON, D. C., *February 2, 1871.*

The committee met pursuant to adjournment; present, the chairman, (Mr. Scott,) Messrs. Wilson and Bayard.

The following witnesses were examined, Lewis Hanes, George W. Nason, Jr.

The committee adjourned, to meet at 10½ o'clock a. m., to-morrow.

WASHINGTON, D. C., *February 3, 1871.*

The committee met pursuant to adjournment; present, the chairman, (Mr. Scott,) Messrs. Wilson, Chandler and Bayard.

The following witnesses were examined: Timothy F. Lee, W. R. Albright, Hon. Thomas Settle.

The committee adjourned to meet at 10½ o'clock on Monday, the 6th instant.

WASHINGTON, D. C., *February 6, 1871.*

The committee met pursuant to adjournment; present, the chairman, (Mr. Scott,) Messrs. Chandler, Rice, and Bayard.

The following witnesses were examined: Hon. C. R. Thomas, R. F. Boshier.

The committee adjourned to meet at 10½ o'clock a. m., to-morrow.

WASHINGTON, D. C., *February 7, 1871.*

The committee met pursuant to adjournment; present, the chairman, (Mr. Scott,) Messrs. Chandler and Bayard.

The following witnesses were examined: H. H. Dowell, C. D. Upchurch, Hon. I. L. Henry.

The committee adjourned to meet at 10½ o'clock a. m., to-morrow.

WASHINGTON, D. C., *February 8, 1871.*

The committee met pursuant to adjournment; present, the chairman, (Mr. Scott,) Messrs. Wilson, Chandler, and Bayard.

The following witnesses were examined: Rev. James Reed, Virgil S. Lusk.

Ordered, That the chairman be instructed to offer in the Senate the following resolution:

Resolved, That the Select Committee of the Senate on the Condition of the Southern States be authorized to hold sessions during the sessions of the Senate, to report to the Senate from time to time, and that two additional members be added to the committee.

The committee adjourned to meet at 10½ o'clock, to-morrow.

WASHINGTON, D. C., *February 9, 1871.*

The committee met pursuant to adjournment; present, the chairman, (Mr. Scott,) Messrs. Rice and Bayard.

The following witnesses were examined: T. B. Keogh, Robert W. Logan.

The committee adjourned to meet at 10½ o'clock on Saturday, the 11th instant.

XXXVI CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

WASHINGTON, D. C., *February 11, 1871.*

The committee met pursuant to adjournment; present, the chairman, (Mr. Scott,) Messrs. Nye and Bayard.

The chairman presented the following extracts from the journal of the Senate:

IN THE SENATE OF THE UNITED STATES, *February 8, 1871.*

On motion of Mr. Scott,

Resolved, That the Select Committee of the Senate on the Condition of the Southern States be authorized to hold sessions during the sessions of the Senate, to report to the Senate from time to time, and that two additional members be added to the committee.

FEBRUARY 11, 1871.

In pursuance of the order of the Senate of the 8th instant, the Vice-President appointed Mr. Stewart and Mr. Blair additional members on the select committee to investigate alleged outrages in the Southern States. On the 9th instant, Mr. Stewart having been excused from service on the committee, the Vice-President appointed Mr. Nye to fill the vacancy.

The following witnesses were examined: A. T. Dandson, James W. Boyd, (recalled.)

The committee adjourned, to meet at 10½ o'clock a. m., on Monday, the 13th instant.

WASHINGTON, D. C., *February 13, 1871.*

The committee met pursuant to adjournment; present, the chairman, (Mr. Scott,) Messrs. Chandler, Nye, Rice, Bayard, and Blair.

The following witnesses were examined: George B. Bergen, Hon. William H. Battle.

The committee adjourned, to meet at 10½ o'clock a. m., to-morrow.

WASHINGTON, D. C., *February 14, 1871.*

The committee met pursuant to adjournment; present, the chairman, (Mr. Scott,) Messrs. Wilson, Rice, Nye, Chandler, Bayard, and Blair.

The following witnesses were examined: Hon. Wm. H. Battle, (continued,) Hon. D. L. Russell, jr., Hon. G. W. Logan.

The committee adjourned, to meet at 10½ o'clock a. m., to-morrow.

WASHINGTON, *February 15, 1871.*

The committee met pursuant to adjournment; present, the chairman, (Mr. Scott,) Messrs. Chandler, Bayard, and Blair.

The following witnesses were examined: George Laws, B. F. Moore.

The committee adjourned, to meet at 10½ o'clock a. m., to-morrow.

WASHINGTON, D. C., *February 16, 1871.*

The committee met pursuant to adjournment; present, the chairman, (Mr. Scott,) Messrs. Rice, Bayard, and Blair.

The following witness was examined: B. F. Moore, (continued.)

The committee adjourned, to meet at 10½ o'clock a. m., to-morrow.

CONDITION OF AFFAIRS IN THE SOUTHERN STATES. XXXVII

WASHINGTON, D. C., *February 17, 1871.*

The committee met pursuant to adjournment; present, the chairman, (Mr. Scott,) Messrs. Rice, Nye, Bayard, and Blair.

The following witnesses were examined: B. F. Moore, (concluded;) I. B. Smith.

The committee adjourned, to meet at 10½ o'clock a. m., to-morrow.

WASHINGTON, D. C., *February 18, 1871.*

The committee met pursuant to adjournment; present, the chairman, (Mr. Scott,) Messrs. Bayard and Blair.

The following witnesses were examined: D. R. Goodloe, Joseph H. Wilson.

The committee adjourned, to meet on Monday, the 20th instant, at such hour as may be designated by the chairman.

WASHINGTON, D. C., *February 20, 1871.*

The committee met at 12½ o'clock p. m., agreeably to call of the chairman; present, the chairman, (Mr. Scott,) Messrs. Rice, Nye, Chandler, Bayard, and Blair.

The following witnesses were examined: T. F. Willeford, E. M. Holt.

The committee adjourned, to meet at 12½ o'clock p. m., to-morrow.

WASHINGTON, D. C., *February 21, 1871.*

The committee met pursuant to adjournment; present, the chairman, (Mr. Scott,) Messrs. Nye, Rice, and Blair.

The following witness was examined: Jacob A. Long.

The committee adjourned, to meet at 12½ o'clock p. m., to-morrow.

WASHINGTON, D. C., *February 22, 1871.*

The committee met pursuant to adjournment; present, the chairman, (Mr. Scott,) Messrs. Chandler, Nye, Rice, Bayard, and Blair.

The following witnesses were examined: Hon. George W. Brooks, U. S. Bradshaw, Daniel Worth, George S. Rogers, Lucien H. Murray.

The committee adjourned, to meet at 12½ o'clock p. m., to-morrow.

WASHINGTON, D. C., *February 23, 1871.*

The committee met pursuant to adjournment; present, the chairman, (Mr. Scott,) Messrs. Nye, Bayard, and Blair.

The following witnesses were examined: Edwin C. Wilson, David W. Kerr, Caswell Holt.

The committee adjourned, to meet at 12½ o'clock p. m., to-morrow.

WASHINGTON, D. C., *February 24, 1871.*

The committee met pursuant to adjournment; present, the chairman, (Mr. Scott,) Messrs. Nye, Rice, Wilson, Bayard, and Blair.

The following witness was examined: Josiah Turner, jr.

The chairman laid before the committee Senate bill No. 1223, entitled "A bill to protect citizens against certain violations of their civil and political rights guaranteed by the Constitution of the United States," from which the Judiciary Committee of the Senate had been discharged, and which was referred to this committee on February 7, 1871.

The committee adjourned, to meet at the call of the chairman.

XXXVIII CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

WASHINGTON, D. C., *February 27, 1871.*

The committee met pursuant to the call of the chairman; present, the chairman, (Mr. Scott,) Messrs. Rice and Bayard.

The following witnesses were examined: N. A. Ramsey and W. W. N. Hunter.

The committee adjourned, to meet at the call of the chairman.

WASHINGTON, D. C., *February 28, 1871.*

The committee met pursuant to the call of the chairman; present, the chairman, (Mr. Scott,) Messrs. Rice, Bayard, and Blair.

The following witness was examined: John Kerr.

The committee adjourned, to meet at the call of the chairman.

WASHINGTON, D. C., *March 7, 1871.*

The committee met pursuant to adjournment; present, the chairman, (Mr. Scott,) Messrs. Rice, Wilson, Chandler, and Blair.

The following witnesses were examined: Hon. Edwin G. Reade, A. L. Ramsom, W. A. Albright.

The committee adjourned, to meet at 11 o'clock a. m., to-morrow.

WASHINGTON, D. C., *March 8, 1871:*

The committee met pursuant to adjournment; present, the chairman, (Mr. Scott,) Messrs. Wilson, Chandler, Rice, Nye, and Blair.

The chairman stated that in view of the possible early adjournment of the first session of the Forty-second Congress, he had prepared a report, covering the investigation so far as it had progressed.

On motion of Mr. Chandler, the report was read and adopted.

Ordered, That the witnesses who had been subpoenaed, and who are now awaiting examination, be discharged for the present.

The committee adjourned, to meet at the call of the chairman.

APPENDIX.

MESSAGE OF THE PRESIDENT OF THE UNITED STATES COMMUNICATING, IN COMPLIANCE WITH THE RESOLUTION OF THE SENATE OF THE 15TH OF DECEMBER, 1870, INFORMATION IN RELATION TO OUTRAGES COMMITTED BY DISLOYAL PERSONS IN NORTH CAROLINA AND OTHER SOUTHERN STATES.

To the Senate of the United States:

In reply to the resolution of the Senate of the 16th of December, 1870, requesting to be furnished with information relative to the organization of disloyal persons in North Carolina having in view resistance of the United States laws, denial of protection, and the enjoyment of the rights and liberties secured under the United States, &c., I transmit herewith abstracts of reports and other papers on file in the War Department relative to outrages in North Carolina; and also, for the information of the Senate, those relative to outrages in the other Southern States. The original reports and papers are too voluminous to be copied in season to be used by the present Congress, but are easily accessible for reference, and copies of such papers can be furnished as the Senate may deem necessary.

EXECUTIVE MANSION, *January 13, 1871.*

U. S. GRANT.

CONDITION OF AFFAIRS IN THE SOUTHERN STATES. XXXIX

TESTIMONY AS TO OUTRAGES COMMITTED IN SOUTHERN STATES, WITH BRIEF ABSTRACTS AND DOCUMENTS.

[NOTE—Upon examination of the records of the headquarters Armies United States (General Grant's) it appears that many papers in regard to outrages, murders, &c., committed in Southern States, were referred to the commanding generals of the several military districts and departments where the occurrence took place, and that others were submitted to the Secretary of War, from time to time, and not returned; but the principal matter relative to these outrages is contained in the accompanying documents.]

The reports of Generals Halleck, Terry, and Reynolds for 1870 are not included, all the annual reports of division and department commanders for that year having been handed to the Secretary of War early in December, 1870.]

ABSTRACTS.

January 2, 1867, General E. O. C. Ord, commanding Department of the Arkansas and assistant commissioner Freedmen's Bureau for that State and Indian Territory, forwards memorandum of reports from different sections of the State, of murders and outrages, received at that office since December 22, 1866.

January 5, 1867, says the necessity of the military service in that department requires a mounted force to be at his disposal immediately for the suppression of lawlessness and disorder.

January 9, 10, and 12, 1867, forwards copies of communications from different officers and citizens, reporting lawlessness and outrages in the Department of the Arkansas; also, report of operations from time of assuming command, August 20, 1866.

Report of Major General George H. Thomas, commanding military division of the Tennessee, with those of Generals Daniel Sickles, A. H. Terry, George Stoneman, and T. H. Ruger, in regard to outrages in the Southern States, committed by whites upon blacks, and *vice versa*, with action taken by the authorities, since the surrender of the rebel armies; forwarded March 1, 1866.

General Stoneman, commanding Department of Tennessee, under date of February 5, 1866, transmits reports of subordinate commanders, in regard to outrages occurring within his command.

January 26, 1866, Brevet Major General John C. Smith, commanding district of West Tennessee, transmits report of Lieutenant T. H. Ward, provost marshal of freedmen, of outrages committed by whites against the freedmen, and the reverse, and states that many outrages, principally thefts, are alleged to have been committed by colored soldiers; but as such cases were not immediately reported, the parties implicated could not be identified. The report of Lieutenant Ward shows fifty-two cases of misconduct, including one shooting affray and one assault with knife.

January 20, 1866, General Alvan C. Gillem, commanding district of East Tennessee, incloses the affidavits of two freedmen, setting forth: 1. That while Robert Johnson, a discharged soldier from Company E, One hundred and twenty-fourth regiment Colored Infantry, was stopping, on his way to Richmond, Virginia, at a house in Gallowstown, a pistol was taken from him by the police, with a promise that it would be returned to him the next morning. On going to the party who held the pistol in possession, he was abused and shot at several times, and the pistol, for which he paid eighteen dollars, denied him. 2. Spencer Swathe, a soldier of Company M, First United States Colored Infantry, while on his way to join his regiment, from sick leave, stopped at a house of Mr. Bridges, where his wife was living, to leave some money with her. While there he was assaulted by two men, Bill McFarlan and Breslau Swathe, the former striking him with an ax on the head, and robbed of \$50, a pistol, a rifle, his overcoat, and boots. The same parties also took six dollars from his wife.

Another paper, inclosed by General Gillem, exhibits the report of Colonel W. B. Gaw, Sixteenth United States Colored Infantry, dated Chattanooga, January 1, 1866, in which he states that on September 5, one Bartlett Vinson, a citizen of Chattanooga, murdered a soldier of the First United States Colored Heavy Artillery, and gave in excuse as the provocation for the deed that some negro had stolen goods from him a night or two before. As another instance of unprovoked hostility against the colored people, he relates that two citizens of Broomtown Valley set the school-house for colored children on fire to prevent their being taught there. Several colored persons have been murdered in the vicinity of the post, but it is not known by whom, whites or blacks. A most revolting case transpired on the night of December 29, 1865, wherein negroes were the guilty parties. Some eight or ten entered the house of Mr. Thomas A. Moore, living some two miles and a half from the post, and not only beat the old gentleman and robbed him of his money, but shamefully abused the niece of Mr. Moore and his wife, and violated their persons. The guilty parties have not been recognized or arrested.

General Gillem, in referring to the outrages enumerated in the reports forwarded by him, remarks that all disturbances of this character are occasioned more by the disorganized condition of society there, and the consequent immunity with which such acts may be committed, than by any settled antipathy between the whites and blacks.

January 28, 1866, John Seage, superintendent Bureau Refugees, Freedmen, and Aban-

XL CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

doned Lands, reports 16 cases of assault and 2 murders committed by the whites on the blacks.

January 9, 1866, Brevet Major General Thomas H. Ruger, commanding Department of North Carolina, transmits report of outrages in his department, showing 10 cases of murder, 1 of manslaughter, 3 of assault with intent to kill, 6 of rape, 119 of assault and battery; total, 139 crimes on the person, and 30 cases of burglary, 17 of larceny, 12 of robbery; total, 69 crimes not on the person.

January 22, 1866, Major General Daniel Sickles transmits report of persons tried and convicted before provost courts in his department during the months of August, September, October, November, and December, 1865, showing 90 white and 605 black for stealing, 25 white and 45 black for disorderly conduct, 135 white and 55 black for drunkenness, 60 white and 123 black, for assault; total white, 310; total black, 828. General Sickles also incloses testimony taken by officers of the Freedmen's Bureau.

January 11, 1866, General Alfred H. Terry, commanding Department of Virginia, transmits a list of outrages committed by white people upon blacks, and *vice versa*, as reported by district commanders; enumerates 48 cases, mostly assaults, burglary, larceny, and several murders.

January 27, 1866, General Terry transmits supplemental report of outrages in his department, as furnished by officers of the Bureau of Refugees, Freedmen, and Abandoned Lands, showing 22 cases of assault, &c.

January 16, 1866, Major General Thomas G. Wood, commanding the Department of Mississippi, transmits report of outrages committed in his department, enumerating 38 cases, including assaults, burglary, murder, &c.

January 9, 1866, General John E. Smith, commanding District of West Tennessee, reports the state of matters between the citizens and the negro soldiers in his command. Inclosed charges against nine soldiers of the One hundred and thirty-sixth Regiment United States Colored Infantry, for assault with intent to kill.

January 10, 1866, General B. H. Grierson, commanding District of Huntsville, reports outrages committed in his district, consisting mostly of assaults, some murders, highway robbery, burglaries, and larceny.

January 3, 1866, Major John D. Wilkins, Fifteenth Infantry, provost marshal District of Mobile, transmits report of prisoners confined in the military prison at Mobile, Alabama, from April 10, 1865, to January 3, 1866; charges mostly assaults.

February 9, 1866, Brevet Major General Charles R. Woods, commanding Department of Alabama, transmits report of outrages by whites against blacks, and reverse; incloses affidavits and charges against soldiers of colored troops.

December 29, 1865, Colonel George D. Robinson, superintendent Bureau Refugees, Freedmen, and Abandoned Lands, Mobile, Alabama, forwards testimony in cases of outrages perpetrated on the persons and property of colored people, and the murder of Mr. W. U. Bass, of Baden Springs, Alabama.

October 9, 1866, Captain William A. Poillon, assistant superintendent Bureau Refugees, Freedmen, and Abandoned Lands, transmits report and testimony in the case of Lemuel Bowden, John Dudley, and Casswell Lambert, charged with the murder of a freedman and his family in Monroe County, Alabama.

Report of Captain Poillon, inclosing affidavits in cases of assaults, murder, &c., in Clark County, Alabama.

November 10, 1865, Major General Osterhaus, commanding Department of Mississippi, incloses report of Brevet Major General M. F. Force, commanding northern district of Mississippi, regarding the killing of a citizen of Mississippi by a guard of the Thirteenth Indiana Cavalry.

The report of General Force shows that a detachment from Company I, Thirteenth Indiana Cavalry, under command of Lieutenant Bailey, was sent out to recover mules which had been run off by citizens, and suspicion resting on Major Morris, they arrested him. He would not submit to the arrest and attempted to break away, when he was shot by the guard.

May 19, 1869, commanding general Department of Louisiana forwards reports, in which he states that he has ordered troops from Jackson Barracks to Jefferson, Louisiana, to assist the police there, they being again opposed, and the governor powerless to preserve the peace.

July 20, 1869, D. Woodruff, of Tuscaloosa, Tuscaloosa County, Alabama, in a letter to the President, asks protection against Ku-Klux outrages in that county; states that some twenty-six murders have occurred in that county within the past few months, besides other outrages, and as yet not a single arrest; recommends that Tuscaloosa County, which is the head-center of Ku-Klux outrages, be put under martial law, as it would arrest outrages all over the State, and cause some respect for the State government, as it is at present openly defied.

January, 1871.—Memorandum, without signature, left at the War Department, giving the names of some of the persons who have been put to death in Alabama within the last two years by persons wearing the disguise of the "Ku-Klux Klan;":

1. Alexander Boyd, esq., white, solicitor for Green County, living at Eutaw, the

county seat. Taken from his room in the hotel where he was boarding, in the night of May 21, 1870, by a large band of Ku-Klux, and put to death.

2. Guilford Coloman, leading colored man in Greene County.

3, 4, 5, and 6. Thomas Johnson, Levi Smiley, David Jones, and Samuel or Thomas Snoddy, all colored men living in Greene County.

7. ——— Burko, a leading colored man living in Sumter County; was a member of the legislature.

8. Frank Diggs, a colored man who was United States mail agent on the Selma and Meridian Railroad, shot in his mail car near the Alabama and Mississippi line, a short time before the election in November last.

9. William C. Luke, white, teacher of school for colored children, at Patona, Calhoun County. Hung near the village of Cross Plains, Calhoun County, on the night of July 11, 1870.

10, 11, 12, 13, 14, 15. Toney Cliff, Berry Harris, Cesar Frederick, William Hall, Essex Hendrick, and Jacob Moore, all colored men, put to death at the same time and place as Mr. Luke.

16. Eighteen colored men, living in Millersville, Clay County, were cruelly beaten by a band of disguised men for voting the republican ticket in November last. Two were beaten with boards into which small nails had been driven.

General Halleck, September 14, 1869, forwards, for information of the General-in-Chief, report from headquarters Department of the South on the Hancock County troubles in Georgia.

William A. Harrison (colored) complained that when he was elected to the legislature of the State he had been compelled [expelled?] for being a person of color; that the lives of all advocates of the republican party in the county were unsafe; himself and others having been threatened with violence and death, both openly and by letters signed K. K. K., and other symbols; that colored persons had been taken out and whipped; and that June 15, 1869, one Harper, a colored man, had been killed, it was believed for political opinions, &c.

Captain J. Kline, Eighteenth Infantry, was sent to investigate the matter, who reported that he did not believe an organized band of Ku-Klux Klan existed in the vicinity named; that the whipping had been done by unknown parties, and that evidence seemed to show that Harper had been killed in a personal encounter, &c.

May 23, 1869, Colonel Joseph A. Mower, commanding Department of Louisiana, asked if he could send a company of cavalry to Caddo Parish, Louisiana, from Jefferson, to protect a man threatened by an armed gang, and arrest desperadoes; said the civil authorities were powerless. In reply, the General of the Army said that if the governor would certify to the inability of the civil authorities to maintain order, and it was impracticable to convene the legislature, and if the man would make affidavit charging any certain persons with threatening his life, he could arrest them with an infantry company and imprison them until they gave bond to keep the peace. Colonel M. was asked if he could not hold the parish sheriff and police magistrates responsible.

June 14, 1869, Colonel Mower transmitted report of Captain Joseph Kerin, showing the inefficient condition of his company, (F), Sixth Cavalry, for active duty in Department of Louisiana.

May 27, 1869, the sheriff of Caddo Parish reported that a gang of horse-thieves and murderers had committed murderous depredations upon freedmen and planters, and endeavored to murder Major R. Wilkinson. Requested some mounted troops. Transmitted by Governor Warmoth to Colonel Mower, who, in a letter to the Adjutant General of the Army, says he ordered a detachment of cavalry to protect Major Wilkinson and assist the civil authorities.

December 29, 1866, Thomas Maxwell, postmaster at Rectortown Station, Virginia, recites to the Secretary of War the particulars of brutal treatment practiced upon him by James E. Rector and others, said outrages being directed toward Mr. Maxwell in consequence of his having taken an oath to serve the Government of the United States in his capacity of postmaster, and for being thoroughly a Unionist.

Second Lieutenant W. S. Chase, Veteran Reserve Corps and assistant superintendent Freedmen's Bureau, examined into the case, and reported, February 9, 1867, that Maxwell was badly beaten by James E. Rector, who, on one occasion, was assisted by his brother, W. F. Rector. Maxwell, being an old man, was powerless to defend himself, and he was beaten with a club until the blood ran down over his face. This, too, in the presence of Mr. Maxwell's daughter, who tried in vain to assist her father.

For this assault the Messrs. Rector were finally arrested, tried, and found guilty, and made to pay a fine of one cent with costs. Judge Holt, in commenting upon the case, states that the sentence imposed upon them was in no way commensurate with their offense.

January, 1870, G. W. Daniels *et al.* to the President, complain that Booneville County, Kentucky, is invested with roaming bands of the "Ku-Klux," murder and whipping of Union men are of almost nightly occurrence, and therefore ask that a regiment of soldiers be sent for their protection.

XLII CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

Referred to Secretary of War January 8, 1870, and to General of the Army January 13, 1870. Returned to Secretary of War, the General of the Army asking for special instructions, suggesting that until some law is passed by Congress, defining clearly how the military forces can act lawfully in cases of this kind, the military authorities do not act for the present. Recommends the whole matter to be submitted to Congress.

June 12, 1868, General Canby, commanding Second Military District, forwards a letter from General Scott, relative to the murder of Solomon Dill, county commissioner and member elect of the legislature. States that in his judgment the murder was purely political.

June 14, 1868, General Canby reports the murder of W. J. Mixson, of Barnwell County, South Carolina. The civil authorities, it is alleged, positively refused to arrest the murderer. Cites also the murder of S. W. Dill, by a party of five to nine men, who also mortally wounded Dill's wife, and killed a colored man who tried to make his escape from Dill's house. No arrests made by civil authorities. Says it is manifest that both these crimes were committed for political purposes.

Papers relating to troubles in North Carolina.

Governor Holden, March 10, 1870, informed the President that it had been his duty to declare the county of Alamance in insurrection. Gives reasons therefore, and incloses act of legislature for basis of proclamation.

General Meade, March 11, 1870, forwards for information of the General-in-Chief reports from headquarters Department of Virginia, relative to same troubles. Report of Lieutenant C. P. McTaggart, Seventeenth Infantry, of the entry into town of Graham, Alamance County, of a band of outlaws, styled by themselves Ku-Klux Klan, who took a mulatto man from his bed and hung him, and threatened to hang others, it is believed, only on account of republican sentiment; several parties, black and white men, cruelly whipped; the band in the county is reported about 900 strong, under the leadership of one Moore. Commanding officer post of Raleigh, asks for 200 additional troops to be sent to the State. Governor Holden calls upon the department commander for a larger force of troops. General Canby says the reports do not show that insurrection exists or is imminent, and that, under existing laws, he is of opinion the additional troops applied for by the governor can only be furnished by authority from the President. Pamphlet contains examination before Judge Thomas, third district, of members of Ku-Klux Klan for murder, conspiracy, arson, &c., in Lenoir County.

The Secretary of War, March 16, 1870, directed that a few companies of troops be sent to the counties in insurrection, and General Canby was so instructed by the Adjutant General by telegram March 17, 1870.

General Terry, December 17, 1869, forwards official communication of Captain Charles R. Paul, Eighteenth Infantry, relative to outrages in Georgia. Informed sheriff of Walton County that aid would be furnished if desired, but was not called upon, and since that time two or three outrages have been committed.

May 23, 1869, Howell C. Flournoy, Justice of the peace, Athens, Georgia, informs Governor Bullock of the murder of a colored man by one Frank Allison, an ex-confederate soldier and a noted bad character. No arrest. Says the country is in an alarming state, rumors of murders being constantly heard.

Report of Captain Kline, Eighteenth Infantry, of an investigation ordered by General Terry, June 30, 1869, in regard to the above murder, states the negro was shot by Allison without provocation. A warrant issued and placed in the hands of a bailiff, but Allison had left the country and was not arrested. Reports the murder of two negroes in Clarke County since the close of the war, the murderers in each case escaping. States there is no evidence of the increase of crime since the war. Does not think the civil officers as a rule are disposed to act promptly, suffering criminals to make their escape. Appends report of examination of Mr. Flournoy as to political feeling, &c., in that section.

February 2, 1869, General Canby, commanding Fifth Military District, forwards report of Captain Sanger, Seventeenth Infantry, relative to recent disturbances in and about Woodville, Tyler County, Texas.

Captain Sanger, being dispatched to Woodville to effect the arrest of W. A. Steele and G. W. Kirkwood, charged with an attempt upon his life, was met by an armed force collected by these men, and to prevent a collision, his force of ten men not being able to cope with the mob, he took possession of the court-house, where he was besieged until relieved by reinforcements from Lexington. Repeated threats were made that the building would be burned, &c. Civil authorities acted in a pusillanimous manner, rendering no assistance. Steele and Kirkwood, with others implicated, afterwards voluntarily surrendered to the military authorities.

General Reynolds, July 15, 1869, forwards official communication of Second Lieutenant William A. Thompson, Fourth Cavalry, reporting outrages committed in and around Helena, Texas, and that troops are needed to preserve order.

CONDITION OF AFFAIRS IN THE SOUTHERN STATES. XLIII

General Rousseau, commanding Department of Louisiana, (Louisiana and Arkansas,) in his annual report, dated October, 1868, mentions troubles in New Orleans, and State of Louisiana, as follows:

Riot on Canal street, New Orleans; two stores gutted, and four negroes killed; murder of sheriff, Colonel Pope, and Judge Valentine Chase, Saint Mary's Parish; another riot in Canal street; negroes killed by democratic procession; killing of Mr. Durand, editor of "Progress," in Saint Landry Parish; no arrests. Necessity for troops in Saint Bernard to protect colored prisoners from mobs.

Forwards report of investigation by First Lieutenant Cawlin, Nineteenth Infantry, of troubles in Fulton County, Arkansas.

September 13, 1869, General Ames, commanding Fourth Military District, forwards consolidated report of outrages, murders, &c., committed in that district since March 16, 1869, and states the civil authorities fail to administer justice.

This report contains reports of post commanders, sheriffs, and others, relating to murders, &c., in aggregate as follows: murders 22, and upward of 40 outrages, (including murders, assaults, arson, &c.) the perpetrators, with but few exceptions, escaping.

General Ames, in addition to the above, reports, as occurring since March, 1869, thirty-two murders, (including that of Colonel Crane,) thirteen assaults with intent to kill, and thirteen outrages; states that a number of persons charged with committing these murders, &c., were arrested by troops and held at different posts for trial by military commission, thirteen of whom were taken from his control on their application to the United States Judge.

May 17, 1869, Charles W. Arnold, postmaster at Albany, Georgia, petitions the President of the United States for protection against the Ku-Klux Klan, which infest that State. States that an attempt has been made to Ku-Klux him at Americus, Georgia, a small village about 35 miles from Albany, while in the discharge of his duty as revenue assessor. Further asserts that the men engaged in that attempt are known to him and his family, as also to Colonel W. C. Morrill, revenue collector, second district Georgia, and United States deputy marshal Cox, residing at Americus, who will furnish the names of the parties, if he should be murdered hereafter. Every republican, he adds, is in danger of losing his life.

From an investigation made, in accordance with orders from the War Department, it appears that an assault with pistol was made upon Mr. Arnold in the latter part of April, 1869, while holding the appointment of assistant assessor of internal revenue, by Mr. Wells, of Americus, Georgia, whom he had detected in making a false return. Mr. Arnold reported the matter to Colonel Morrill, United States commissioner at Americus, and endeavored to get him to issue a warrant for the arrest of Mr. Wells, but Colonel Morrill thought it could not be done, as the pistol was not cocked, and was not attempted to be fired. On the same day, about dark, he was informed by Mr. Cox, United States marshal, that there would be an attempt made that night to either mob or assassinate him, (Mr. A.) and that Colonel Morrill had sent for him to stay at his house. It appears that no further assaults have been made since the occurrence recited above, but Captain Fitch, who investigated into the matter, concludes from conversations he had with various citizens in Albany, that there is not a little ill-feeling in the minds of the people toward Mr. Arnold, caused by his being a radical.

Mr. Stephens, aingleader in the threatened assault on Arnold, is one of the city council, and acting mayor of Americus. His character is far from good.

The impression made on Captain Fitch's mind is, that Union men are in no more danger there than anywhere else, the sentiment of the masses, as far as he could judge, being against all attempts at violent proceedings. He found the usual prejudice against Yankees and those who are supposed to belong to the radical party, but this prejudice is not likely, in his opinion, to develop any disorderly proceedings.

September 27, 1867, Brigadier General E. O. C. Ord, commanding Fourth Military District, submits report of operations within his command during the year 1867, and states that while the reconstruction measures of Congress are unpopular with a majority of the white people, their execution has met with but slight opposition. The ignorant and lawless, from whom trouble was to be apprehended, have been kept in order by the presence of troops, distributed for that purpose throughout the district. The operation of the civil laws has not been interfered with, except to remove from the civil courts cases of crimes charged upon persons who, for having opposed the rebellion, had reason to fear prejudice against them; also, that the extension of suffrage to the colored people has aroused a sentiment of hostility to them; and he is led to believe that a larger force than is now stationed in his district will be necessary to protect and secure the freedmen the right of suffrage; and if protection is withdrawn, the Southern people, exasperated at what they deem the freedmen's presumption, would not be very gentle toward them.

August 6, 1869, Brevet Colonel John R. Edie, commanding post of Charleston, South Carolina, reports facts in relation to the riot in Charleston, South Carolina, on

XLIV CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

the 26th of July, 1869, in which twelve soldiers were struck with stones and other missiles. Forwarded by department and division commanders.

April 30, 1869, Governor Warmoth, of Louisiana, in a communication to General Mower, commanding Department of Louisiana, inclosed letter from the Judge of the twelfth judicial district of the State, relative to the crime and lawlessness prevailing in the parish of Franklin, and the necessity for the presence of United States troops there in order to secure the enforcement of laws and the life and property of citizens, and states he was constrained to inform him that at present there was no adequate protection for the law-abiding citizens of that parish, it having been one of the most turbulent in the State, and the civil authorities were powerless to protect them; asked, therefore, that a company of troops be sent to that parish, with instructions to sustain the civil authorities.

May 5, 1869, transmitted by General Mower for the information of the General of the Army, together with copy of Special Orders 91, of May 3, 1869, from his headquarters, directing one company of the Nineteenth Infantry to take post at Winnsboro, Franklin parish, Louisiana.

By telegram of May 5, 1869, from this office, General Mower was informed that his action in ordering a company of troops to Franklin Parish had been approved by the General of the Army.

January 29, 1869, General Canby, commanding Fifth Military District, forwards report of Captain Charles Steelhammer, commanding post of Canton, Texas, relative to the revolutionary and desperate character of the disfranchised portion of the community, the bitterness between them and Union men, &c. A detachment sent out by him was attacked by an armed force, and he apprehended further attacks, unless the garrison could be strengthened; civil authorities worthless or powerless. General Canby reports similar condition of affairs in other parts of the State, but that measures had been taken to cause the authority of the United States to be respected.

Citizens of Greene County, Alabama, requesting the Secretary of War to locate a company of United States troops in Eutaw, Greene County, Alabama, to prevent lawlessness.

November 13, 1868. The governor of Georgia transmits correspondence between the mayor of the city of Augusta and General Meade, commanding Department of the South, relative to an election to be held in that city on the 2d of December next, and the probability of trouble arising therefrom.

December 20, 1870, Honorable W. B. Stokes inclosed to the President of the United States letters of B. O. Bowden, dated Jamestown, Tennessee, December 12, 1870, who inclosed letter received by him from the Ku-Klux Klan, and stated that the treatment of Union men at the hands of ex-rebels is shameful, and asks for protection.

The President refers, January 5, 1871, to the Secretary of War, papers relative to trouble in North Carolina:

Printed pamphlet of examination before Judge Thomas, third district, of members of Ku-Klux Klan, for murder, arson, &c.

Communication from Governor Holden; incloses printed incidents of outrages, arsons, and murders, committed on a number of persons in different counties, including the murder of State Senator Stephens.

Governor Holden forwards copies of reports, &c., of outrages in Chatham County; report of violence and outrages in Person County; school-house burned at Ashboro, with Ku-Klux outrages; Ku-Klux outrages and assaults in Wayne County; some reports from Stokes County, and no action taken by State authorities; several reports from Alamance County, violence, &c., and request for protection from outrages perpetrated upon republicans by disguised men; list of names of about 25 persons who have been whipped, robbed, threatened with death, or shot, in Lincoln County; oath of the "White Brotherhood," or Ku-Klux Klan, and exposition of the organization by an alleged member.

The President also forwards a letter from W. Stanley, corroborated by Charles W. Betts, dated Memphis, Tennessee, December 30, 1870, giving at length an account of affairs in the State of Mississippi, where he was outraged, robbed, and from whence forced to flee to save his life.

August 17, 1869, General Halleck, commanding Division of the South, forwarded papers in case of riot in Mobile, Alabama, August 5, 1869, in which 2 men were killed, and 5 or 6 wounded.

General Terry, September, 1869, forwarding official communication of First Lieutenant Eugene B. Gibbs, United States Army, relative to the murder of Alfred Robinson, killed August 14, 1869; the attempted murder of Mr. Marshuan, (white,) and the murder of Allen Justice, (colored.)

The murder of Alfred Robinson and other colored men was for the purpose of securing all the crops which were worked on shares, and which were then being harvested.

December 19, 1868, Major General Meade, commanding Department of the South, forwarded correspondence between himself, the United States deputy marshal and the

CONDITION OF AFFAIRS IN THE SOUTHERN STATES. 245

commissioner, southern district of Georgia, relative to certain desperate characters known as the Ku-Klux Klan.

In a letter dated July 30, 1870, his Excellency W. W. Holden, governor of North Carolina, informed his Excellency the President of the United States that the counties of Alamance and Caswell, in that State, had been declared in a state of insurrection, he having power to do this under the State constitution and laws of the general assembly. That he had embodied militia, occupied said counties, and made important arrests; four of those arrested having sued out writs of habeas corpus. Resistance being threatened, he considered it very important that a regiment of Federal troops be at once sent to the State, and those already there be ordered to aid him promptly. Stated that Colonel Kirk had 350 white men in command, and he had, in Raleigh, 100 colored troops and 80 white; at Hillsborough 50 white men, and in Gaston County, 60; his whole force being not over 600. Deemed it his duty to acquaint the President of this, &c. Looked for important disclosures regarding the "Ku-Klux" organization, before the military court which he had organized. Believed, from evidence, that Ex-President Johnson is at the head of the order, and General Forrest engaged with it, &c. This letter was referred to the Secretary of War, by order of the President, with directions to send six companies to Raleigh, if possible, to be "held in readiness to preserve the peace and enforce the laws, in case their services should be required," and General Meade was instructed accordingly July 25, 1870.

July 30, 1870, Captain G. B. Rodney, commanding a company of the Fourth Artillery, at Yanceyville, North Carolina, reported that there was no chance of collision between the citizens and State troops; that Colonel Kirk feared an attack and barricaded the court-house, &c., his whole cause of alarm being foolish reports of negroes. Cited some instances to show that the citizens were peacefully inclined. Knew and saw nothing of any "Ku-Kluxism."

August 2, 1870, Colonel Hunt, Fifth Artillery, assumed command of district of North Carolina, headquarters at Raleigh, North Carolina, and reported, August 4, 1870, that if the State troops acted with reasonable discretion, it was his impression there would be no violence, unless prisoners were tried, condemned, and executed by military courts, when there might be resistance offered by the civil authorities or the people. Thought interference by United States troops in such case a grave question, no official recognition of insurrection having been proclaimed, &c. Requested further information as to the extent to which United States troops should be employed. Referred to the above letter of Captain Rodney, who he considered as possessing good judgment.

General McDowell (August 8, 1870) concurs in the views of Colonel Hunt.

August 10, 1870, General Meade referred the above papers to the War Department, requesting specific instructions for Colonel Hunt, and stating that officer had been directed to confine the use of his troops to keeping the peace until further orders.

August 12, 1870, the Secretary of War approved the instructions of General Meade, and referred to opinion of Attorney General, advising the State authorities to yield to the United States judiciary.

August 8, 1870, Captain Throckmorton, Fourth Artillery, reported relative to the shooting of Private James Bradley, Fourth Artillery, by Private James Pugh, Company H, First North Carolina State troops, and from this and reports on the same case by Lieutenant C. N. Warner, Fourth Artillery, and Colonel Hunt, Fourth Artillery, it appears that Bradley, returning from the city to his camp, and being in an intoxicated condition, passed near the camp of the State troops between 1 and 2 o'clock a. m., was challenged, and, failing to answer, was fired upon by a sentinel, acting in accordance with orders received from his superiors. The officers of the State troops (Colonel Clark and Major Miller) acknowledged having given such instructions, and the case was dismissed by the civil authorities after examination. Generals McDowell and Meade thought it advisable to remove the State troops to prevent collisions.

In connection with the above are reports of Captain Frank G. Smith and Colonel Hunt, Fourth Artillery, tending to show that the citizens generally were quiet and well disposed, the only trouble apprehended being in regard to the service of writs of habeas corpus issued by the United States district judge in the cases of prisoners held by Colonel Kirk at Yanceyville, which it was thought might cause a collision between the United States and State troops, in case the former were called on to aid in serving the writs, as was expected by Colonel Hunt. That officer also stated that there was a feeling of uneasiness in the community from vague apprehensions of "Ku-Klux" kept alive by the presence of State troops, whose fear from this source had led to serious mischief, as witnessed in the shooting of Bradley, &c.

September 9, 1870, the President directed that the military district of North Carolina be discontinued, and Colonel Hunt return to his proper station. Also, that Governor Holden be requested to inform the War Department at the earliest moment the United States troops could safely be withdrawn.

September 10, 1870, information was received at the War Department that Governor Holden no longer needed the artillery companies at Raleigh, and one company could

XLVI CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

be spared from Yanceyville; one company of men at Raleigh, one at Graham, and one at Yanceyville, being deemed sufficient.

July 20, 1867, Major General George H. Thomas, commanding Department of the Cumberland, forwards a report of Brevet Major General William P. Carlin, assistant commissioner of the Freedmen's Bureau, State of Tennessee, dated Nashville, Tennessee, July 15, 1867, relative to the riot which occurred at Franklin, Tennessee, July 6, 1867, between a body of conservatives (principally ex-rebel soldiers) and negroes on one side, and the "colored loyal league" on the other, with the following remarks: "Further testimony regarding this matter, now being collected by Captain D. W. Burke, Second Infantry, will be forwarded as soon as obtained."

General Meade, commanding Department of the South, forwards to the headquarters of the Army papers relative to troubles at Camilla, Mitchell County, Georgia, as follows:

Copy of preamble and resolutions of Young Men's Democratic Club, Albany, Georgia, denying an alleged report that members of the same were connected with the Camilla riot. Copies of affidavits from Sheriff Poore, John Murphy, William P. Pierce, P. R. Hines, (freeman,) and others, in regard to Camilla riot, taken before Brevet Major O. H. Howard, sub-assistant commissioner Bureau Refugees, Freedmen and Abandoned Lands, the mayor of Albany, and justice of the peace. Proceedings of a meeting of citizens of Albany, expressing regret at the riot, &c. Report of investigation made of Camilla affair by Captain William Mills, Sixteenth Infantry, that he is unable to find any proof that the colored people were advised by the white men who went to address them to go armed to Camilla, and that no action had been taken by the civil authorities in the matter at date of visit. Papers submitted to the President by the Secretary of War October 8, 1868.

The Adjutant General informs General Terry, under date of October —, 1870, that the Secretary of War desires troops to be ordered to Alabama from October 15 to November 15, the whole force to be under command of General Crawford, with authority to move companies from point to point. Inclosed is a letter from Thomas M. Peters to Senator Warner, dated September 25, 1870, in which it is stated that in many sections of Alabama the public authorities are not competent to give protection to the life and limb of the citizen. The loyal inhabitants, particularly the colored people, should receive protection of Government.

General Terry, in a telegram dated October 22, 1870, informs General Sherman that the governor of South Carolina asked to have movement of Eighth Infantry delayed, but has refused his request; has ordered two companies of troops to Newburg Court-House, the point to which the insurgents are proceeding.

Captain John Christopher, Eighteenth Infantry, reports, October, 23, 1870, the departure of one company for Laurens, South Carolina, to assist in preserving the peace.

The governor of South Carolina telegraphs October 21, 1870, that ex-rebel soldiers have attacked and captured the town of Laurens, killing many persons, seizing the ballot-boxes, and marching on other towns for a like purpose, committing outrages on their route. Should have additional troops.

November 7, 1870, John A. Moss writes to the Secretary of War from Selma, Alabama, dwelling upon the disturbed condition of affairs, and asking that the whole State be placed under the regulation of the military.

October 1, 1867, Brigadier General John Pope, commanding Third Military District, reports operations since assuming command, April 1, 1867: also furnishes copies of orders issued by him to carry out reconstruction acts and correspondence thereto with Provisional Governor C. J. Jenkins, of Alabama, and Hon. Augustus Reese, of Madison, Georgia. Invites attention to inclosed newspaper containing a speech delivered in Atlanta, Georgia, by B. H. Hill, late a senator in the rebel congress, and states the hopelessness of reconstruction while such men retain influence.

General Hancock, commanding Fifth Military District, forwards with his annual report for the year ending October 31, 1868, the following papers relative to troubles in Texas: Report from headquarters district of Texas, Austin, of disturbances at Marshall, Texas; that "It appears that the sheriff, Perry, and his deputy, Adams, not only failed to exert themselves to preserve the peace, but have been the leaders in the disturbance." Report of investigation into the matter by Lieutenant Colonel Wood, First Infantry; correspondence between General Hancock and Judge Pease relative to the operation of General Orders No. 40, Fifth Military District, of 1867, announcing the action to be taken in civil affairs, &c.

Major General P. St. George Cooke, commanding Department of the Cumberland, in his annual report, dated October 23, 1869, states that "out of the cities and off from the great lines of travel and commerce in the interior of Kentucky and Tennessee, negroes and white Unionists enjoy little protection of law to person or property, and the freedom of the negroes is a mockery. While I write, the public prints record a Ku-Klux action—submitted to, of course—in which, breaking into houses, they murdered one and maimed another white man; 'scourged most unmercifully' a white man and 'several negroes.'"

CONDITION OF AFFAIRS IN THE SOUTHERN STATES. XLVII

July 15, 1868, Governor Harrison Reed, of the State of Florida, transmits papers arguments, &c., in case of W. J. Brannon, a civilian, tried June, 1868, at Baldwin, Georgia, by a military commission, charged with murder; convicted and sentenced; arrested in his transit through Florida, and ordered released on writ of habeas corpus. This order was disobeyed by the officer in charge of the prisoner, who is now, by General Meade's order, serving out ten years' sentence in the State penitentiary of Georgia.

Major General George G. Meade, commanding Department of the South, transmits, October 17, 1868, to Army headquarters, a communication from Governor Holden, of North Carolina, who asks that troops may be sent to Wilmington, North Carolina, and also that they be dispersed throughout the State.

Communication from Governor Scott, of South Carolina, who states that the State is overrun with lawless mobs, and requests that the troops be stationed at different points to protect the citizens; also incloses two communications from gentlemen showing the condition of affairs in the upper counties.

Communication from Governor Scott, stating that the civil authorities are powerless to keep the peace; that armed bands patrol certain counties, and that in York and Chester the civil authorities have no representatives; and that one James Martin, member of the legislature, was murdered in the high road. He requests that United States troops be furnished to aid the State government in enforcing the laws, and mentions outrages in Newberry County.

August 10, 1868, Brevet Major General Buchanan, commanding Department of Louisiana, acknowledges the receipt of a letter of instructions relative to assistance to be afforded by troops in his department to civil authorities, in case of domestic disturbances arising therein. He incloses a copy of his orders in the premises, and contradicts statements published by Governor Warmoth, of Louisiana, as to the number of murders committed in that State.

August 11, 1868, Major General George H. Thomas, commanding Department of the Cumberland, forwards to the Adjutant General for instructions a communication from W. T. Prosser, chairman of the house committee on military affairs, Tennessee legislature; also a copy of a resolution of State house of representatives on the subject of calling on the United States authorities to furnish the State with a military force to aid the governor restore the peace.

August 4, 1868, Governor Smith, of Alabama, transmits to the Secretary of War a copy of a petition of the citizens and a resolution of the councils of Montgomery, Alabama, asking for the retention of United States troops in the city, and recommends that a portion of the troops be allowed to remain.

July 30, 1868, Major General Meade reports by telegraph to General Grant that he has been advised that the civil authorities of Augusta, Georgia, are about to be resisted by a combination made for that purpose, and asks for instructions if the military authorities are expected to keep order and peace.

August 1, 1868, Governor Smith, of Alabama, and other State officers, protest against the removal of the United States forces in that State to Huntsville, in the northern part, and asks that General Meade's order may be revoked, and the troops remain quartered as heretofore.

Governor Smith asks that the company of United States troops stationed at Selma, Alabama, under marching orders, be permitted to remain for the present.

July 8, 1868, Major General Meade, commanding Third District, reports military control in Florida under the reconstruction laws having ceased, and incloses general orders issued and correspondence between General Sprague and Governor Reed, of Florida. (Thirteen inclosures.)

September 1, 1868, Brevet Major General R. C. Buchanan, commanding the Department of Louisiana, incloses for the information of the President of the United States, communications from the governor of Louisiana making application for troops, with General Buchanan's reply thereto; also incloses a copy of a circular containing instructions to commanding officers, &c., and asks to be notified of its approval. (Five inclosures.)

October 9, 1868, Major General Meade, commanding Department of the South, acknowledges the receipt of resolutions passed at a mass meeting of the citizens of Lowndes County, Alabama, forwarded to him by direction of the President of the United States. (One inclosure.)

August 24, 1868, Major General Meade, commanding Department of the South, acknowledges the receipt of a communication from the Adjutant's General's Office, referring telegram of the governor of Alabama, asking that the company of troops at Selma be retained there, and believes that no necessity for troops exists at Selma. (Two inclosures.)

October 8, 1868, General Meade, commanding Department of the South, acknowledges the receipt, through the Governor of Alabama, of a letter covering resolutions and memorial of the Alabama Legislature, with the action of the President thereon, and states that the Governor is satisfied with the proposed distribution of the troops in Alabama.

XLVIII CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

October 25, 1868, General Rousseau, commanding Department of Louisiana, reports riots in New Orleans on the night of the 24th instant, in which several whites and blacks were killed and wounded. The troops were ordered out and suppressed the riots.

May 31, 1867, Thomas K. Knowlton, residing near Vicksburg, Mississippi, reports an attack made upon him by four armed men on account of his Unionism. Gives names of the men who attacked him, and mentions threats made by them against certain colored men for registering. Refers as to his character to Hon. J. Covode of Pennsylvania, and requests protection from military authorities.

March 7, 1870, Lieutenant Colonel R. S. Granger, Sixteenth Infantry, commanding post of Jackson, Mississippi, incloses for the information of the Adjutant General an extract from a personal letter received by the adjutant of that post from Lieutenant I. S. Shelby, Sixteenth Infantry. The letter is dated Meridian, Mississippi, March 3, 1870.

Lieutenant Shelby states that he has no official knowledge of the discontinuance of the Fourth Military District; that he took the responsibility upon himself on the evening of March 1, to arrest a man named Jamison at Lauderdale for murder, the civil authorities not seeming disposed to act in the matter; that a writ was served on him at his own request, and he turned the prisoner over to the sheriff of the county, and that a preliminary examination of the case would be heard the following day. Says that within three weeks one colored man was taken out, tried, and punished; another has been beaten and shot, another killed, and another mortally wounded, near the little village of Lauderdale, and all done by a party of white men; that the white people up there did not even attempt to discover who the perpetrators of this murder were, though to him they were loud in their professions of a desire to bring them to justice, and he believes that at least half of the white people of Lauderdale know who the murderers are, and yet they will separate them from justice.

Colonel Granger says that a copy of Lieutenant Shelby's letter has been forwarded to the department commander, and that he (Lieutenant S.) had been ordered to join his proper station (Jackson) before the receipt of the letter, and he presumed he would arrive that day, (March 7.)

Mrs. Dr. Brown informs the President that great outrages are being perpetrated in Danville by a band of outlaws called K. K. C. or R. R. C.; the indistinctness of the writing makes it doubtful. She says they kill innocent men if they have the least spite against them; they take them out and hang them. People are actually afraid to go to sleep at night, for they don't know what moment they may be taken out and hung. She asks that a company of soldiers be stationed there to put down the R. R. C., and begs the President, if he has any feelings at all, to send them as soon as possible. She declares that her name may not be known, as her life would not be worth a straw. She writes from Louisville, for she would be afraid to put it in their post office.

Synopsis of sub-reports accompanying the annual report of General Joseph A. Mower, commanding Department of Louisiana.

Under date of May 9, 1869, Captain Frank M. Coxo, commanding at Opelousas, Louisiana, reports that "although everything indicates quiet and order, it is not difficult to discern a temper (only suppressed by the presence of troops) which, if uncontrolled, would jeopardize the life of any republican in his public expression of opinion." Again, on the 16th of May, he reports further in regard to what he styles the reign of terror in that place, and says, "Every true Union man is possessed with a dread of ultimate danger of life, family, and property, should he betray a thought or act of republican fellowship;" that many murders have been committed; but the surviving fathers, brothers, and sons of the victims dare not whisper a word in conviction of the perpetrators, although they are well known in nearly every case.

May 24, the same officer relates the circumstances attending the shooting of John C. Tucker, assistant assessor of internal revenue, in the streets of Opelousas on the preceding night, and the failure of the civil authorities to act in the matter.

First Lieutenant R. Vance, Nineteenth Infantry, reports from Winnsboro, Louisiana, August 6, 1868, in compliance with orders from headquarters Department of Louisiana, to investigate all murders and outrages committed in Franklin Parish during the last year; that during that time there have been 12 homicides committed within that parish, 6 white men and 6 colored; 5 cases only have received any notice whatever from the civil authorities. In 2 of the 5 the murderers surrendered themselves to a justice of the peace, who acquitted them. The other three were mere mockeries of justice by a person acting as coroner.

In one case a negro was shot down while plowing in the field by a white man, as testified to by a witness in court, who saw the deed committed, but no arrests were made.

Some negroes were surrounded in their house by a party of white men, who, after firing into the house and killing several of the negroes, set fire to the place, consuming with it the dead bodies of those they had shot. Another negro met a similar fate at another time and place; and another was killed at the court-house door while the court was in session, between sunset and dark, and his body permitted to lie where it fell until late the next morning, when, although many saw and heard the firing, no one could be found who knew anything about it.

Whipping negroes to compel obedience to contracts is practiced as much as at any time under the old system, the negroes having no voice in making the terms; being told that unless they make certain contracts with certain parties they will be killed. Compliance has been thus forced upon them, and so general has this whipping become that it excites neither notice or comment.

In his supplemental report General Mower relates the circumstances of the murder of Hon. John Hinds, member of Congress, at Little River, Arkansas, together with two freedmen in October, 1869.

The commanding officer of the District of Arkansas reports that the Freedmen's Bureau agent of Little River County has been killed; the agent for Crittenden County seriously wounded in an attempt by Ku-Klux to kill him; the agents for Mississippi, Tall, and Choctaw Counties have been forced to abandon their posts, and the United States deputy marshal for Napoleon dares not assume his duties unless sustained by military authority.

June 14, 1869, J. De F. Richards, professor and president pro tem. of university at Tuscaloosa, Alabama, in a communication addressed to the Secretary of War, and bearing the signatures of three other professors of that university, states that there exists in that section of the State a most deplorable condition of things, those opposed to the measures of reconstruction as adopted by Congress being exceedingly hostile and bitter against all who may differ from them politically, especially against Northern men and the colored people. This extreme hostility, it is thought, exhibits itself in frequent acts of violence, murder, and assassination, and it is asserted that not less than twenty good and law-abiding citizens of Tuscaloosa County have been murdered by bands of outlaws within the past few months, yet not the first step has been taken to arrest and punish the guilty, or protect the innocent. States that these disloyal, democratic reconstructionists and felons laugh at the civil authorities and commit murder openly in sight of the court-house. Says it is understood that a petition has been sent to the War Department by certain citizens of Tuscaloosa praying for the removal of the company of militia at that place, stating as a reason that their presence is not wanted there, and earnestly implores that the request be not granted, as it is made by disloyal people only. He would rather see Tuscaloosa made a permanent military post, and the county put under military law. Then, and not till then, can the community entertain any hope; he says that criminals in their midst will be suitably punished, and loyal citizens protected.

June 25, 1869, General Terry, commanding Department of the South, to whom this communication was referred, returns the same with indorsement stating that "no intention is entertained of removing the garrison of the post of Tuscaloosa, Alabama. The place will be occupied unless orders to the contrary are received from superior headquarters."

July 6, 1869, General W. T. Sherman, in submitting the paper to the Secretary of War, remarks: "There is no purpose to remove the companies from Tuscaloosa as long as General Terry deems their presence there essential."

November 1, 1868, General Gillem, commanding Fourth Military District, submits report of operations in his command for the year ending that date, mentions the difficulty existing between the planters and the laborers in regard to pay for labor, and to the difficulty of obtaining justice before the minor courts; also that it is almost an impossibility to identify criminals, they committing their crimes (murder) at night and in disguise.

August 31, 1868, General E. R. S. Canby forwards report of affairs in (late) Second Military District, (States of North and South Carolina,) from date of last report to discontinuance of the district; says very few instances of grave disorders or outrages occurred in either State during this period. In South Carolina, the most important of these that partook of a political character were the riot in Pickens district on the 12th of October, 1867, and the assassination of Mr. S. G. W. Dill, of Kershaw County, on the 4th of June, 1868. No other cases of disorders are mentioned in the report.

November 14, 1870, the commanding officer, Baton Rouge, Louisiana, submitted a report of his action during the election riot at that place, November 7, 1870, showing that the rioters numbered about 200 men, armed with muskets, shot-guns, revolvers, &c., and that during the riot at the court-house two colored men were wounded, one of whom died, and opposite the court-house Hon. Jos. L. Official, republican member elect to the legislature, was found wounded, and he died the next day. The casualties were 4 killed and 20 wounded.

L CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

Transmitted by department and division commanders.

December 2, 1870, the same officer reported an attempt to assassinate Lieutenant Bandy, Nineteenth Infantry, at Baton Rouge, and said that unless military protection was given, the lives of citizens and officers who testified against the rioters would be in danger. He was directed by the department commander to protect his own command, and leave the civil authorities to take care of the citizens.

January 25, 1867, General Sheridan, commanding Department of the Gulf, forwards copies of communication from Charles H. Leonard, mayor of Galveston, Texas, asking authority for citizens to give escort to remains of General Sidney Johnston, and reply thereto, sustaining action of General Griffin, who prohibited the demonstration; also, report concerning the condition of freedmen and Union men in Texas; states that freedmen are shot and Union men persecuted if they express their opinion.

January 10, 1867, Colonel J. J. Reynolds, commanding subdistrict Rio Grande, reports the firing upon a patrol of colored troops on the night of the 16th instant, by policemen, in Brownsville, Texas; the patrol returned the fire, mortally wounding two of their assailants. From evidence obtained the patrol was not to blame.

August 19, 1869, General Halleck transmits report of General Terry, commanding Department of the South, relative to outrages in Georgia, in which he says: "Now, I have reluctantly come to the conclusion that the situation here demands the interposition of the National Government, in order that life and property may be protected, freedom of speech and political action secured, and the rights and liberties of the freedmen maintained."

Cites in support of his opinions various reports of his officers, showing that in many parts of the State there is practically no government; that murders are frequent, and no attempts are made to punish the murderers, while the abuse of the blacks is too common to excite notice.

December 6, 1869, General Terry forwards another report inclosing—

1. Papers referred by Governor Bullock relative to the lawless condition of certain counties in Georgia.
2. Report of Lieutenant George S. Hoyt, of the whipping of Aba Colesby, near Greensboro, by Ku-Klux, in October, 1869.
3. Petition of F. H. Fyall and other citizens against outrages in Randolph County, Georgia.
4. Request for troops for the protection of Deputy Collector W. B. Whitmore, Ringgold County, Georgia.
5. Reports relative to the murder of two negroes in Hancock County; and

6. Complaint of George Hall of whipping received by him at the hands of Ku-Klux. In General Terry's report of August 14, he recommends that the State of Georgia be again placed under military control, but General Halleck, not entirely concurring in the recommendations, submits the whole matter for the action of Congress.

September 30, 1867, General George H. Thomas, commanding Department of the Cumberland, in report of operations for the year ending September 30, 1867, refers in general terms to the disloyal elements within the limits of his command, and to the murders and outrages perpetrated by "Regulators" and Ku-Klux.

The above report contains chiefly correspondence relative to elections, between General Thomas, Governor Brownlow, General of the Army, and others. General Thomas's report is accompanied by those of post commanders, &c., detailing outrages on freedmen, &c.

September 6, 1869, the commanding general of the Military Division of the South forwards to the Adjutant General a copy of a letter, signed by H. C. Higginbotham, sheriff of Cleburne County, Alabama, and W. R. Hunnicutt, Judge probate, to the governor of Alabama, stating that the northwest of Cleburne and northeast of Calloway Counties are annoyed by disguised men; that on the 14th of August there was a raid from Ludigo which was met by some good citizens and shot into, and some fifteen wounded; that it is useless to call on the civil authorities for redress, for one of the justices of the peace for Ludigo Precinct was wounded in the fight; he was disguised. Also a copy of a letter from the governor of Alabama to General Terry, asking that troops be sent to Cleburne County to suppress outrages and protect the citizens.

Major General J. J. Reynolds, commanding Fifth Military District, (State of Texas,) in his annual report, dated October 21, 1869, says that "the number of murders in that State during the nine months from January 1, 1869, to September 30, 1869, according to the official records, necessarily imperfect, is '384,' being an average of about one and a half per day." But that some improvement is apparent in the disposition of juries to punish for murder and other high crimes, although the civil authorities have still to call on the military for aid in quelling disturbances and making arrests, and the military often meet armed resistance, in carrying out their instructions. Several persons so resisting have been killed, but in nearly every case the party killed was under indictment for murder, and invited his fate by taking up arms against the lawful authorities.

November 17, 1868, General George H. Thomas, commanding Department of the Cumberland, forwards letter of Captain William Folek, inclosing a copy of a letter addressed by the Ku-Klux Klan to Mr. Willard Davis, of Lexington, Kentucky, in which Mr. Davis is warned to leave the State within 30 days, or if not, he will be hanged.

Captain Folek states that similar letters were sent by the Ku-Klux Klan to Mr. Cassius, Mr. Goodloe, Dr. Davidson, and others; that the lives of Union men are imperiled; that a few nights ago, two men were taken from the jail at Nicholasville, Kentucky, by an armed force of 72 men, (mounted and masked,) and were hanged near the suburbs of the town.

October 5, 1870, Governor H. Reed, of Florida, informs the President of the United States that in several counties of the State the officers of the law are set at defiance by organized bands of enemies of the Government; that it will be impossible, without military aid, to secure a fair vote at the election in November. Requests the presence of at least five companies of federal soldiers, with energetic officers, to be placed at his disposition for a period not exceeding four weeks. Seven petitions, communications, &c., accompany Governor Reed's letter.

November 1, 1870, Senator T. W. Osborne telegraphs from Tallahassee, Florida, stating it is very important that troops be sent to the State, (Florida.) Telegraphed in reply that there are no troops available to be sent to Florida, all being fully employed at places of great importance.

November 4, 1870, Senator Osborne telegraphs for at least one company to be sent to Lake City. Informed in reply, same date, that the demands for troops have been so great that the Department is unable to comply with his request.

November 5, 1870, the Secretary of War directs as follows: "The President desires that if any troops can be spared the aid be given. If not, however, he will adhere to the telegram before ordered and not reply to this." Same date Senator Osborne was informed that two companies would report to the United States marshal at Tallahassee from New Orleans as soon as possible. General Halleck instructed accordingly on the same date.

In reply, November 7, 1870, General Halleck states that troops cannot reach Tallahassee in time for the election. Same date, (November 7, 1870,) General Halleck was informed that his dispatch was received and is satisfactory.

November 17, 1870, the governor of Florida requests that a full regiment be sent to the State, to remain until the adjournment of the legislature in February.

Informed in reply, dated November 22, 1870, that orders were that day issued for stationing two companies of troops at Tallahassee.

November 17, 1870, the United States marshal and district attorney at Jacksonville, Florida, represent the necessity for United States troops in the State.

November 22, 1870, General Halleck was instructed to send two companies to Tallahassee to report to the United States marshal, to assist in enforcing the laws. Telegram also sent to the United States marshal at Jacksonville, same date.

Major General A. H. Terry, commanding Department of the South, in his annual report of October 31, 1869, states that while many crimes and outrages are yet committed in the more disturbed parts of the State of Georgia, there is a gradual though sure change for the better going on, and civil authorities command a greater respect than at any time since the close of the war. The mere presence of troops is sufficient to quell any tendency to disorderly conduct.

General Terry, August 1869, forwards papers relative to outrages committed in the State of Georgia. Assassination of Senator Adkins prompted by political hostility solely.

Report of Major Van Vost, Eighteenth Infantry, and communication from Governor Bullock in regard to fearful condition of affairs in Warren County, Georgia, respecting secret organization hostile to the United States Government. Sheriff Norris of that county, who made a report regarding action of lawless parties at the election for President and Vice-President in November 1868, was notified "It would be dangerous for him to do so." On the night of December 14, 1868, he was waylaid and shot. In June 1869, Henry P. Farrow, attorney general of Georgia, having been ordered by Governor Bullock to proceed to Warren County and act for the State in bringing outlaws to justice, reports and states he will hold himself in readiness to proceed there to enact the force of attempting to enforce civil law.

Extract from confidential conversation between Governor Bullock, of Georgia, and C. Battle, esq., Warren County, Georgia, in regard to outlawry, states that no jury would convict any lawless organization; also, that it would be more dangerous for him if this conversation became public.

Regarding action of Sheriff Norris and killing of Dr. Darden. Governor Bullock states the power of the State executive is not adequate to overcome the evils now existing in the State, and asks military protection for loyal people.

March 9, 1868, General George H. Thomas, commanding Department of the Cumberland, reports the formation of organizations for resistance to the laws, and forwards

communications from E. D. Lyons, quartermaster's agent at Bridgeport, Alabama, dated February 27, 1868, relative to the Ku-Klux Klan, in Pulaski, Tennessee, asserting that that city is the headquarters of the order; also communication from Hon. W. Bossou, dated Nashville, Tennessee, March 5, 1868, calling attention to the Ku-Klux in Tennessee, and asking military protection, the civil authorities being powerless.

January 6, 1868, General Canby, commanding Second Military District, transmits copy of an order issued by him to meet certain difficulties existing in North Carolina; expresses, however, his doubts as to its efficacy on account of the bitterness of feeling existing; states that these difficulties are traceable to the spirit of revenge and retaliation for the execution of a number of Union men who deserted the rebel army during the war. Refers to the murder of Colonel Wethercutt, and attempts to arrest the murderers.

General Hinks's report of investigation of above murder, mentions a brutal assault on Mrs. Wethercutt; also, the shooting of a negro who attempted to shoot a Mrs. Bratcher, but wounded her husband.

General Hinks also reports eighteen murders committed in Jones, Cayvon, Lenoir, and Pitt counties since 1st January, 1868, and many highway robberies, burglaries, and larcenies. (Six inclosures.)

October 31, 1870, W. H. Smith, governor of Alabama, refers to the President communication from S. Crawford, mayor of Stevenson, Alabama, forwarding (to the governor of Alabama) statement of Mr. J. J. Rouch, relative to outrages committed in Stevenson, Alabama, stating that the corporation of Stevenson is a one-horse concern and not able to protect any man; that the citizens want troops, but are afraid to sign a petition for the same.

General Reynolds, commanding Fifth Military District, forwarded October 16, 1868, report of Captain James Curtis, Fifteenth Infantry, relative to the murder, on 4th October, 1868, of Hon. G. W. Smith (delegate to constitutional convention) and two freedmen; also, a wounding of the third, by the Ku-Klux Klan. General Reynolds, in a subsequent report, states that there are in arrest about 35 men who participated in the above murder.

General Buell, commanding at Jefferson, Texas, forwards May 5, 1869, communication of C. L. Pletcher, who states he has been confined there since 9th of February without knowing the cause. General Buell states he was arrested on strong evidence as one of the murderers of Hon. Mr. Smith. In this connection General Reynolds denies certain newspaper reports regarding treatment of the above prisoners. Reports depredations of the Ku-Klux Klan, and the lawlessness and murder which exist in Texas.

General Meade, commanding Department of the South, in his annual report October 31, 1868, relative to affairs in his department, states that soon after announcing the position of the military, the outrage at Camilla, Georgia, was committed, and the evidence seems to show the same to have been perpetrated by civil officers under guise of enforcing the law and suppressing disorder. Refers to report of acting judge, advocate of department, that in a period of eight months there were tried by military commissions in the States of Georgia, Alabama, and Florida only thirty-two persons, and of these but fifteen convicted, and thinks this a refutation that military power was despotically exercised.

General Halleck, December 8, 1869, forwards for information of General-in-Chief, copies of reports, &c., from headquarters Department of the South, relative to troubles in different parts of Georgia.

Complaint from J. R. Griffin, notary public, Fort Valley, Georgia, of abuse to colored men and that face of the judicial system, and that officers would not arrest with warrants.

Governor Bullock of Georgia, forwards statements relative to murders and rapes, outrages by Ku-Klux, and the shooting of Warren Hays, colored, near Lexington, Georgia; also reported violence and threats and lawlessness in Mitchell county, Athens, and other parts of Georgia.

Letter from Mrs. Senator Adkins about the murder of her husband. Proclamation and reward for murderers of Dr. Danden, taken from Warronton jail and shot. Report of investigation by G. W. Fitch, of violence to a colored woman in Clayton County, Georgia. Complaints of citizens of Morgan County, of bands of robbers and assassins. Request for troops, to be placed at disposal of sheriff of Warren County. Reported injustice to negroes in Pike County. Death from exposure and neglect of two freedmen, as given in "Savannah Daily Advertiser;" attention invited by General O. O. Howard. Disturbances among workmen on Air Line Railway, near Atlanta. Danger to life and property in Richmond County, near line of Columbia County. Mr. Brazil and family forced to flee from Glascock County. Lawless condition of affairs along the Air Line Railroad, and the facts of the insurrection thereon. Facts from Captain R. B. Hull, Eighteenth Infantry, relative to the murder of Senator Adkins, and report from Major Van Voast, Eighteenth Infantry, same subject. Illegal arrest and confinement in Oglethorpe jail of James D. Harden, colored. Whipping and beating of a

colored man by Ku-Klux Klan near Sparta. Killing of Alfred Robinson, colored, near Mount Zion, Hancock County. Prisoners in Sparta jail, accusations unknown. Outrages by Ku-Klux in vicinity of Greensboro, and whipping of an expelled colored member of legislature. Troops furnished the sheriff of Morgan County. Captain F. E. Laucey's report of investigation on railroad disturbances in Mitchell County. Investigation and report of Brevet Captain G. W. Fitch on outrages upon loyal people in Randolph County; says the murder of Milton Cochran is evidence that there are some bad men in that section; thinks the general sentiment is to discountenance outrages. Six murders near Cuthbert, Randolph County, and the murderers still at large. Facts relative to the murder of Milton Seward, June 27, 1863. Request for troops to protect deputy collector in Cinggold, whose life has been threatened. Report of Captain J. Kline, Eighteenth Infantry, on alleged outrages to colored citizens in Oglethorpe County; does not seem to think the charges sustained. Reported outrages in Greene and Tallapoosa Counties during 1863. Investigation and report by Second Lieutenant G. B. Hoyt, Eighteenth Infantry, of alleged outrages to persons and property in Greene and Hancock Counties; thinks the Ku-Klux Klan circulate reports relative to the uprising of negroes, to carry out "hellish operations." Ku-Klux Klan orders parties to leave Burke County, threatening death. Investigation by Lieutenant Gibbs of the murder of Alfred Robinson, colored; was of opinion white citizens in the vicinity of Greene and Hancock Counties intend to draw away the colored men to secure their share of the crops, and therefore many murders and outrages had been committed. Reports from First Lieutenant G. J. Mudden, Eighteenth Infantry, Captain J. T. Mackey, Major Van Yonst, Second Lieutenant George W. Hoyt, Captain Kline, Captain Morgan L. Ogden, Eighteenth Infantry, relative to outrages, murders, and notices from Ku-Klux Klan in Warren, Hancock, and other counties. Report of investigation by Lieutenant E. B. Gibbs of the murder of Viray Jackson, colored woman, in Hall County.

General G. H. Thomas, commanding Department of the Cumberland, in his annual report of October 1, 1863, states that, with the closing of the last and the beginning of the new year, the State of Tennessee was disturbed by an organization known as the Ku-Klux Klan; that organized companies of men mounted, armed, and disguised, patrolled the country, and in many instances abused and outraged quiet citizens, particularly colored people of industry and good conduct. Reports of outrages by Ku-Klux in Maury County, and request of Governor Brownlow for troops. Grievances made also from Kentucky and West Virginia. Lawlessness greater in Kentucky and Tennessee than West Virginia. General Thomas calls attention to the following:

Report by Captain Lebb, Fifth Cavalry, of rebel sentiment at Gallatin, Tennessee.

Organized bands to crush Union men reported in Washington County, Kentucky, and outrages perpetrated by same. Report of threatened assassination of Judge Hunter, Memphis. Representative Reeves reports condition of affairs in West Tennessee. Representative Lillard reports Ku-Klux in Marshall County.

Request from agent Freedmen's Bureau for protection for colored schools. Outrages reported by the agent and sub-assistant commissioner of Freedmen's Bureau, Memphis. Unlawful actions of the Ku-Klux Klan in Frankfort and Russellville, Kentucky.

Assault on United States deputy collector at Somerville, Tennessee. Extract of letter published in Cincinnati Commercial relative to an interview with rebel General Forrest, and his remarks about Ku-Klux Klan, acknowledging the number of that organization in the Southern States to be about 550,000 men, &c.

General Terry, December 20, 1863, forwards official communication of First Lieutenant W. A. Miller, Eighteenth Infantry, reporting a sentinel being fired at by persons unknown, (probably outlaws,) to destroy the friendly feeling between soldiers and citizens.

General Mower, May 25, 1863, forwards official communication relative to alleged outrages in Saint Landry Parish, Louisiana, and that he was compelled to send troops to sustain the civil authorities in protecting the people and executing the laws.

November 23, 1863, General Meade transmits correspondence between himself and the governor of Georgia, relative to sending troops to Warren County for the purpose of maintaining the peace. The sheriff reported the murder of a colored boy, and other outrages upon freedmen, almost nightly, and called for military aid in making arrests, &c.

Captain Emory, aide-de-camp, being sent to Warren County to investigate matters, reported that no attempt was made by civil authorities to detect, prevent, or punish crime, for the reason that nearly every one was afraid to give evidence on which to ground an indictment, or testify at a coroner's inquest. Also reported numerous and glaring outrages upon freedmen, no one being arrested for participation in them. Same state of affairs existing in other counties, and in fact throughout the Department.

LIV CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

HEADQUARTERS ARMIES OF THE UNITED STATES,
Washington, February 8, 1867.

SIR: I have the honor to return herewith the copy of a call by the Senate for information as to violations of the Civil Rights Bill, and of a report of the Attorney General, both referred to me by you for report on the 23d ultimo.

In the reports of officers of outrages committed on the freedmen, reference is rarely or never made to the Civil Rights Bill, and I am accordingly unable to report its violations. I inclose, however, a statement of murders committed in the Southern States, as in part pertinent to the inquiry.

U. S. GRANT, *General.*

Hon. E. M. STANTON, *Secretary of War.*

MESSAGE OF THE PRESIDENT OF THE UNITED STATES, COMMUNICATING,
IN FURTHER COMPLIANCE WITH THE RESOLUTION OF THE SENATE OF
THE 16th OF DECEMBER, 1870, ADDITIONAL INFORMATION IN RELATION
TO THE EXISTENCE OF DISLOYAL ORGANIZATIONS IN THE STATE OF
NORTH CAROLINA.

To the Senate of the United States:

In answer to their resolution of the 16th of December, 1870, I herewith transmit copies of certain reports received at the War Department relative to disloyal organizations in the State of North Carolina intended to resist the laws, or to deprive the citizens of the United States of the protection of the law, or the enjoyment of their rights under the Constitution of the United States. These reports are in addition to the abstracts of those sent to the Senate on the 13th instant.

U. S. GRANT.

EXECUTIVE MANSION, *January 17, 1871.*

RALEIGH, NORTH CAROLINA, *January 1, 1871.*

SIR: In addition to the former evidence of the existence of a dangerous conspiracy in this State which I have laid before you, I desire to transmit the accompanying papers, as an appendix to my former official letter.

The pamphlet containing the evidence against the Lenoir County prisoners is of sufficient notoriety and authenticity to warrant its acceptance; and, indeed, Judge C. R. Thomas, before whom the examination was had, and who has since been chosen a member of the Forty-second Congress, stands ready to corroborate it. This was the first exposition of the conspiracy. You will further find numerous confessions of members of the Ku-Klux Klan, obtained through the means of the militia movement of last summer, and also a copy of the oath required of members of one of its degrees, "The White Brotherhood." The other two degrees are known as "The Constitutional Union Guard," and "The Invisible Empire."

The accompanying lists of outrages committed in Alamance and Lincoln Counties are full up to date. It will be observed that fear of injury on the part of informants has induced them to ask that their names be withheld. The Government can obtain them at any moment, however.

Extracts from letters from citizens are also transmitted, and one or two "specimen" statements made by parties who have been outraged in this State. If all such statements were compiled, it would be a tale of terror and woe that the people of this country have never heard before.

This organized conspiracy is in existence in every county of the State, and its aim is to obtain the control of the government. It is believed that its leaders now direct the movements of the present legislature. It is proven (page 210 of my message and accompanying documents) that the speaker of the present house, T. J. Jarvis, is a member; and one other prominent leader in the legislature, Fred. Standwick, was seen on his way at Gilbreath's Bridge to murder a State senator, (page 226,) and (page 218) that the leading democratic paper of this State is in direct sympathy with this organization of conspirators and assassins.

In conclusion, I inclose you a printed list of outrages, which is not one-twentieth of the number committed in the State. But they are the most prominent, and serve as examples to show what has been already done, and to warn the Government that unless active measures are taken the lives of its loyal citizens are no longer safe, and their liberties a thing of the past.

With great respect,

W. W. HOLDEN.

General U. S. GRANT,
President United States of America.

Oath of the White Brotherhood, (Ku-Klux Klan.)

You solemnly swear, in the presence of Almighty God, that you will never reveal the name of the person who initiated you; and that you will never reveal what is now about to come to your knowledge; and that you are not now a member of the Red String Order, Union League, Heroes of America, Grand Army of the Republic, or any other organization whose aim and intention is to destroy the rights of the South, or of the States, or of the people, or to elevate the negro to a political equality with yourself; and that you are opposed to all such principles: So help you God.

You further swear, before Almighty God, that you will be true to the principles of this brotherhood and the members thereof; and that you will never reveal any of the secrets, orders, acts, or edicts, and you will never make known to any person, not a known member of this brotherhood, that you are a member yourself, or who are members; and that you will never assist in initiating, or allow to be initiated, if you can prevent it, any one belonging to the Red String Order, Union League, Heroes of America, Grand Army, of the Republic, or any one holding radical views or opinions; and should any member of this brotherhood, or their families, be in danger, you will inform them of their danger, and, if necessary, you will go to their assistance; and that you will oppose all radicals and negroes in all of their political designs; and that should any radical or negro impose on, abuse, or injure any member of this brotherhood, you will assist in punishing him in any manner the camp may direct.

You further swear that you will obey all calls and summonses of the chief of your camp or brotherhood, should it be in your power so to do.

Given upon this, your obligation, that you will never give the word of distress unless you are in great need of assistance; and should you hear it given by any brother you will go to his or their assistance; and should any member reveal any of the secrets, acts, orders, or edicts of the brotherhood, you will assist in punishing him in any way the camp may direct or approve of: So help you God.

Ku-Klux outrages in Wayne County, North Carolina.

In the month of January, 1870, a party of men, some seven or more, disguised, came to the house of Andrew Peel, colored, in Indian Springs Township, and four of the party, viz, John Holmes, Robert Barks, and James Casey, (a neighbor,) and supposes Jovino Lewis as the fourth, entered his house, and, blindfolding him, carried him off about a mile and a quarter from home, and whipped him badly. This was on Sunday, the 9th of January. They also robbed him of a double-barreled gun, tore his hat to pieces, and cut the collar off of his Sunday coat.

On the same night, viz, January 9, (and more than probable the same party,) Joseph Green (colored) was taken out and whipped severely at Everettsville. Green knows none of the men that whipped him.

Harvy Warren fled from Sampson County into Wayne about twelve months ago, and states that he had been taken out by some six or seven men, carried to the woods, and taken by the arms and run against the trees, and by the legs and stung about like as he had been a log. The party was disguised; one of them had horns; made him feel of his horns; said they were from hell; had a pistol for a Bible, which they swore him upon; made him kiss it and promise he would never tell what they had done to him.

A true copy of original on file in executive department of North Carolina.

J. B. NEATHERY,
Private Secretary.

ALAMANCE COUNTY July 28, 1870.

We, the undersigned citizens of Alamance County, do hereby acknowledge that we have been members of an organization in said county, known to the public as the Ku-Klux-Klan, but known to the members thereof as the White Brotherhood, or Constitutional Union Guard.

This organization in the outset, as we understood it, was purely political, and for the mutual protection of the members thereof and their families; but, since joining, we have been pained to know that, while the objects of the organization were to attain certain political ends, the means used and resorted to were such as would shock a civilized and enlightened people. And we hereby publicly and independently dissolve our connection with this organization, and call upon upright and law-abiding citizens everywhere to do the same thing, knowing, as we do, that unless the crimes which have been committed by this organization can be put a stop to, and the organization itself entirely broken up, civil liberty and personal safety are at an end in this county

LVI CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

and life and property and everything else will soon be at the mercy of an organized mob.

We intend to see that the signs, grips, and pass-words of this organization are fully exposed, together with the plans of operations, &c., so that people everywhere may see with their own eyes.

In making these confessions we have implicated no one but ourselves, but we hope that our friends will take warning, from what has transpired within the last few days, and immediately withdraw from organizations such as we have mentioned, and assist us and all other good citizens in restoring peace and good order in our county.

CLEMENT C. CURTIS.	D. D. TRAGUE.
JAMES E. BOYD.	A. J. PATTERSON.
ROBERT HANNER.	J. A. J. PATTERSON.
JOHN R. STOCKARD.	JOHN G. ALBRIGHT.
JACOB MICHAEL.	CHRIST. C. CURTIS.
J. N. H. CLENDENIN.	S. A. CURTIS.
HENRY ALBRIGHT.	W. B. BRADSHAW.
JAMES H. FOUNT.	JASPER N. WOOD.

STATE OF NORTH CAROLINA, *Alamance County :*

On this the 30th day of July, 1870, personally appeared before me, W. A. Albright, superior court clerk for Alamance County, W. B. Bradshaw, and after being duly sworn, deposes and says: That on or about the first part of the year 1869, I was initiated into the order of, known and commonly called Ku-Klux. I was installed by Jacob A. Long in his room. I was sworn that if ever I revealed any of the secrets of the order I was to suffer death, and should be the first victim. I understood Jacob A. Long to be the chief of the county. Previous to this I met with Dr. John A. Walker, who asked me if I did not want to join a secret political organization. I answered him that I had been a member of one such, and did not want to connect myself with any other. He then said there was such in the country, and told me that Jacob A. Long could give me further information, and, in addition to this, give me some of the signs. After this I was in Graham on business, and in the evening I was approached by Clem. C. Curtis, who carried me out behind Dr. J. K. Ruffin's drug store, and asked me if I did not want to know more about a certain thing than I did. I answered as I did to Dr. Walker. He then said that he would be damned if I did not know too much, unless I knew more. After talking over the matter, he told me that he would conduct me to a place where I could become a full member. Upon this information I was initiated, as above stated. There was present J. E. Boyd and others; I do not remember who.

The first meeting I attended was at the house where Jack Thompson formerly resided. I think there was nothing done worthy of notice, except the initiation of some new members. There was present J. N. Wood, James Fount, James Bradshaw, Joseph B. Thompson, (these were officers,) and John Fur, Folk Bradshaw, Fisher Bradshaw, Mike Fur, and others I do not remember. The new members were Haywood, Crutchfield, Patterson, Thompson, esq., and George Crutchfield.

I attended second meeting at William Fur's house on the night of Dr. Walker's sale. There were present J. N. Wood, James Fount, and James Bradshaw, (officers;) J. R. Stockard, J. N. H. Clendenin, George Long, Mike Thompson, John Woods, (as an officer,) Dick Thompson, and Joe B. Alex. Thompson, James and John Albright, and others I do not remember. Either at this meeting or the one previous there was a move made to make a raid near Hillsboro. I opposed the move, and told them if that was the object I was out. I was aided in this by J. N. Wood, who said if they persisted in this course they need not expect the protection of the organization. About the time we were being dismissed, James Bradshaw said all that wished to join in this raid to meet at Chestnut Ridge meeting-house at some hour of a certain night. I heard nothing from this raid, except that Major Lynch commanded the squad from Metairieville. This was the last meeting that I attended. All my influence since this meeting has been used to suppress outrages. I went to Dr. A. Wilson and urged him to have this thing suppressed, as I thought he had more influence than I had. I went to Captain W. C. Johnston and urged the same. He said that some of the young men had persuaded him to join for the purpose of giving advice, but then he had no influence with them and was greatly hurt at their course.

I had information from John R. Stockard, who came to my house and told me that there was a plot to assassinate W. R. Albright, and told me to do all I could to stop it. We talked the matter over, and he informed me that James Bradshaw was one of the leaders, in connection with which one was Joseph B. Thompson, Milton Thompson, Dick Thompson, Mike Thompson, Alexander Thompson, and John Thompson, of Patterson. I went to see James Bradshaw, who was not at home. I talked with John Bradshaw, who said he would use all his influence to put a stop to it. I had several conversations with James E. Boyd on the subject. He always expressed himself greatly opposed to such, and urged me to do all I could to stop it. My impression is that there is in Alamance County seventy-five or more desperate men belonging to the organiza-

CONDITION OF AFFAIRS IN THE SOUTHERN STATES. LVII

tion, who would commit any crime to carry out their purposes and designs, from what I have been told by members of the organization, and by those who ought to know. I regard Peter Foust's boys, A. G. Moore, J. W. Steel, David A. Mahan, Anderson Thompson, T. T. Turner, as such characters. James T. Hunter is a member of the organization; J. L. Scott is a member, as rumored. I never wore a gown and never saw a band in disguise, and never encouraged any person to join the order.

W. S. BRADSHAW.

Sworn to and subscribed before me this 30th July, 1870.

W. A. ALBRIGHT,
Clerk of Superior Court.

NORTH CAROLINA, Alamance County:

On this the 30th day of July, 1870, personally appeared before me, W. A. Albright, superior court clerk for Alamance County, W. S. Bradshaw, and after being duly sworn, deposed and says: That on or about the first part of the year 1869, I was initiated into the order of ———, known and commonly called Ku-Klux. I was installed by Jacob A. Long, in his room. I was sworn that if I revealed any of the secrets of the order I was to suffer death, and should be the first victim. I understood Jacob A. Long to be the chief of the county. Previous to this I met with Dr. John A. Walker, who asked me if I did not want to join a secret political organization. I answered him that I had been a member of one such, and did not want to connect myself with any other. He then said there was such in the country, and told me that Jacob A. Long could give me further information, and in addition to this give me some of the signs. After this I was in Graham, on business, and in the evening I was approached by Clem. C. Cartis, who carried me out behind Dr. J. K. Ruffin's drug store, and asked me if I did not want to know more about a certain thing than I did. I answered as I did to Dr. Walker. He then said that he would be damned if I did not know too much, unless I know more. After talking over the matter he told me that he would conduct me to a place where I could become a full member. Upon this information I was initiated as above stated. There was present J. E. Boyd, and others, I do not remember who. The first meeting I attended was at the house where Jack Thompson formerly resided. I think there was nothing done worthy of notice, except the initiation of some new members. There was present J. N. Wood, James Foust, James Bradshaw, Joseph B. Thompson, (these were officers,) and John Fur, Polk Bradshaw, Fisher Bradshaw, Mike Fur, and others I do not remember; the new members were Haywood Critchfield, Patterson Thompson, esquire, and George Critchfield. I attended the second meeting at William Fur's house, on the night of Dr. Walker's sale; there were present J. N. Wood, James Foust, and James Bradshaw, (officers,) J. R. Stockard, J. N. H. Clendon, George Long, Mike Thompson, John Wood, (as an officer,) Dick Thompson, and Joe B. Alex. Thompson, James and John Albright, and others I do not remember. Either at this meeting or the one previous there was a move made to make a raid near Hillsboro. I opposed the move, and told them if that was the object, I was out. I was aided in this by J. N. Wood, who said if they persisted in this course they need not expect the protection of the organization. About the time we were being dismissed James Bradshaw said all that wished to join in this raid to meet at Chestnut Ridge meeting-house at some hour of a certain night. I heard nothing from this raid except that Major Lynch commanded the squad from Metairieville. This was the last meeting that I attended. All my influence since this meeting has been used to suppress outrages. I went to Dr. A. Wilson, and urged him to have this thing suppressed, as I thought he had more influence than I had. I went to Captain W. C. Johnson and urged the same. He said that some of the young men had persuaded him to join for the purpose of giving advice, but then he had no influence with them, and was greatly hurt at their course. I had information from John R. Stockard, who came to my house and told me that there was a plot to assassinate W. R. Albright, and told me to do all I could to stop it. We talked the matter over, and he informed me that James Bradshaw was one of the leaders; in connection with which one was Joseph B. Thompson, Milton Thompson, Dick Thompson, Mike Thompson, Alex. Thompson, and John Thompson, of Patterson. I went to see James Bradshaw, who was not at home. I talked with John Bradshaw, who said he would use all his influence to put a stop to it. I had several conversations with James E. Boyd on this subject. He always expressed himself greatly opposed to such and urged me to do all I could to stop it. My impression is that there is in Alamance County seventy-five or more desperate men belonging to the organization who would commit any crime to carry out their purposes and designs. From what I have been told by members of the organization, and by those who ought to know, I regard Peter Foust's boys, A. G. Moore, J. W. Steele, David A. Mahan, Anderson Thompson, T. T. Turner, as such characters. James T. Hunter is a member of the organization. J. L.

LVIII CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

Scott is a member as rumored. I never wore a gown and never saw a band in disguise, and never encouraged any person to join the order.

W. S. BRADSHAW.

Sworn and subscribed before me this 30th July, 1870.

W. A. ALBRIGHT,
Clerk Supreme Court.

STATE OF NORTH CAROLINA, Alamance County :

This day personally appeared before me, William R. Albright, acting justice of the peace for said county, J. W. Simms, who being duly sworn, deposes and says :

About five months ago I was approached by Daniel Whitsett, and told of a secret political organization, which he recommended as a great thing, and told me that I had better join it for my own protection and that of my father, who is a member of the republican party. I am a member of the radical party, voted the whole ticket at the last election, and thought that as my own life and that of my father were endangered, I had better join the order, so that I might live in more security and be better able to protect those who were dear to me.

J. W. SIMMS.

AUGUST 1, 1870.

Sworn and subscribed before me this the 1st day of August, 1870.

WM. R. ALBRIGHT,
Acting Justice of the Peace.

A true copy :

I. B. HEATHY,
Private Secretary.

NORTH CAROLINA, Alamance County :

This day personally appeared before me, P. R. Harden, an acting justice of the peace for said county, William Quackenbush, who, being duly sworn, deposes and says :

I joined an organization in December, 1869, or January, 1870, called Ku-Klux or White Brotherhood; a party of disguised men came to my house, and said they understood I wanted to see the Ku-Klux; wanted to know what I wanted with them, and finally persuaded me to join them. I am certain that I know one of them, J. I. McPherson. I think Peter Foust's boys, and George and John Barber were in the crowd. One of them administered an oath to me. They then told me there was work to be done that night, and that I must go with them; they then gave me a gown, and I went with them. We went first to Manly Turner's; they inquired there if anything was to be done; was told that Jim Cole said he wanted them to come and give him his whipping, and let his dread be over. Cole had said that if they came to his house he would put seven balls into some of them. We then went to Cole's, and ordered him to open the door; he done so; they asked his wife if he had not been maltreating her; she said he had not; they asked what he meant by threatening to shoot the Ku-Klux; he denied making any such threats; they told him he had, and pulled him out of the house; two of them held him while another commenced to whip him; the first one gave him ten licks; another man then gave him ten; they then told me that I must give him ten, and I done so; I saw blood stains through his shirt, and I did not hit him very hard; I was compelled to do it, for they swore me to do everything I was told, even to kill my own father; they would have whipped him more, but I begged for him. We then went to Alfred Hatwood's and told him about whipping Cole. There was nothing more done that night; they told me they would give me notice when I was wanted again. I never attended any meeting, and never went on any other raid. I could not get out of it; if I had tried to, or told anything, I would have been killed. I understood the object of the organization to be to take the law in our own hands, and to whip or hang any one we saw proper.

WM. QUACKENBUSH.

AUGUST 1, 1870.

Sworn and subscribed before me this 1st August, 1870.

P. R. HARDEN,
Justice of the Peace.

CONDITION OF AFFAIRS IN THE SOUTHERN STATES. LIX

STATE OF NORTH CAROLINA, *Alamance County* :

AUGUST 1, 1870.

This day personally appeared before me, P. R. Harden, an acting Justice of the peace for said county, J. F. Hopkins, who, being duly sworn, deposes and says :

I joined an organization called the White Brotherhood about two years ago, at a place between John and William Nowlin's; I was taken there by William Stockard; I was persuaded into it by William Stockard; he asked me if I did not want to hunt the Ku-Klux; I told him I would as soon go as not; I thought he knew they were to pass some place, and I would go with him and see them; when we got to the place we met a man who took me to where there were several more men; I told them I did not want to join; they said if I did not join now I would be killed; one of them, who they called chief, administered the oath to me; I have attended two meetings; there were present at the first meeting William Stockard, Alfred Nowlin, John Nowlin, Cayo Cates, Thomas R. Moore, Seymour Cobble, Jasper N. Wood. Jasper N. Wood and Seymour Cobble kept a list of new members as they were initiated; in those meetings sentence was passed on the republican party, and it was determined to hang them, or stop them from voting; the object of the meetings was to take the law in our own hands, and to whip or hang any one we saw proper to. At the first meeting we elected the following officers: William Stockard, chief; John Nowlin, esq., Deacon; and ———, captain. We appointed another meeting to be held at Spring meeting-house; there were at this meeting Matthew Hopkins, William Stockard, Thomas Robinson, Jr., Alfred Nowlin, Cayo Cates; we expected several more, but they did not come; nothing of importance was done at this meeting. We appointed another meeting to be held at Mat-let's old still-house; the object of this third meeting was to make arrangements to go and whip William Maynor; it was suggested by William Stockard and Thomas Robinson that Maynor should be whipped for reporting persons for illegal disarming. John Duke and John Stockard told me that there was to be a meeting to make arrangements to drown or hang Thomas Norwood; Duke said that the damned old son of a bitch ought to be hung. I was on one raid, but not disguised; there was with me Matthew Hopkins, John Duke, Newton Robinson, Chesley Robinson, Ed. Froman, George Stockard; they were all disguised; we went to Dow Worth's, (colored,) the others left me at the fence to hold the horses, and went to the house, and took out Dow Worth and Arch Dark, (colored,) and whipped them, and took a pistol away from them. We next went to Alfred White's; they left me at the fence with the horses, and went to the house and called him up and took him out and whipped him; (they all took part in the whipping;) they said they whipped him for running after Thomas Norwood's girls. They said that they intended to carry the next election, if they had to kill or run off all the negroes. We next went to Jonathan Zachary's; I was again left with the horses; the rest went to the house; he opened the door, and they went in and told him he must keep his crazy daughter at home; if he did not, they would call upon him again; (his daughter was in the habit of going where she pleased in the neighborhood.) William Stockard has been turned out of office as chief of our camp, and John Duke elected in his place. I told John Duke, the chief, I did not want to go on this raid; that I had no gun; he told me I must go, that I could mind the horses. Matthew Hopkins told me that he heard there was to be a meeting at Gilbreath's Bridge, to go and hang S. M. Sheffner, and he told them he would not go himself. The following are members of the organization: William C. Moore, David Moore, Thomas Guthrie, Henry Duke. I would have given anything to have got out of the organization, but could not get out without telling it, and if I told I would have been killed. They told me if I told anything that I should hang to a limb.

his
JAMES F. + HOPKINS.
mark

Witness: S. J. TURNER.

Sworn and subscribed before me this day, August 1, 1870.

P. R. HARDEN, J.

RALEIGH, NORTH CAROLINA, August 12, 1870.

Thomas F. Williford, of Cabarrus County, voluntarily and of his own accord, doth confess and say, having come from his own home to Raleigh for that purpose, that he, during the last year, lived in Lenoir County, six miles north of Kinston, having moved to that county in 1868. That some time in April or May, 1869, on one Sunday, as he and his wife were going to Sunday-school, he was met by Jesse C. Kenady and Jeff Perry, who persuaded him to go to Kenady's house, which was near the place they met him. He turned back and went with them, his wife going on to Sunday-school.

When he got there, besides J. C. Kenady and Jeff Perry, who went with him, he found Levey Monroe, from Kinston, and one Hill. The crowd was drinking. Some

LX CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

half hour after he was there, J. C. Kenady, in the presence of the other men, initiated him into the C. U. G., and administered to him an oath, the purport of which was that he was to keep the secrets of the order, and not reveal anything that took place. He was also sworn to obey the orders of his superior officers. He understood that for a violation of his oath the punishment would be death. Kenady at the same time read to him the by-laws. He does not recollect all the by-laws, but was under the impression that the order was committed to the overthrow of the radical party, and to 'fostility' to the colored people, and that any means whatever were to be used to effect the object of the order.

The Saturday after he joined he attended a meeting of the order a 2 p. m. at Henry Croom's still-house. There were present J. C. Kenady, chief; Ashly Vaughn, south commander; — Monroe, north commander; James Grelon, west commander; Henry Croom, secretary; — Smith, treasurer. The latter was sitting with Croom. There were present also James Perry, Sammie Perry, Jeff Perry, James Hines, three Harper boys, two Davises, (one called Kit Davis,) John Barrow, Aleck Dawson, and three of the Hills, and two of the Hines boys, and some others, in all about thirty.

It was understood at this meeting that every member was bound to report to Kenady the name of every radical and negro who said anything about the order. If any member failed to do this he was to be punished. It was also ordered that no member should work with any negro on shares, but for such a price.

The second Sunday after the above meeting, he attended another meeting at the same place, some forty present. Joseph Parrott and his brother, and Joshua Suggs, and two others were initiated. At this meeting it was determined that Mowers, the detective, should be killed. Kenady said that he ought to be put out of the way. To this Jeff Perry agreed, and said he would be one of five to do it. Monroe promised to get him to go to the house of Mag Hines, a dissolute woman in Kinston, where they could get him; that he, Monroe, had often drank with Mowers, and he, Mowers, would not suspect him. No one else volunteered, as it was understood that it would be arranged among themselves.

The Sunday afterward Jeff Perry told him, Williford, that if it had not rained Saturday night Mowers would have gone up; that he would have been in the river with the cat-fish eating his carcass.

He attended another meeting in about three weeks, which was ordered by Kenady, some twenty-five present. It was then ordered that the jail should be broken open and Ashly Vaughn and Jim Hines taken out and let loose. The meeting was on Sunday, and the members were ordered to meet at the county bridge near Kinston by 10 o'clock that night. He did not wish to go, as he child was sick, but Kenady and Jim Perry said he should go. He got to the bridge about 10 o'clock, and waited for the crowd. There were some thirty-five or forty of the crowd. They left the bridge and went to the graveyard, where they discussed the manner the jail was to be broken open. In about ten minutes it was decided to break open the door with a sledge-hammer, and the crowd went toward the jail. Some ten or twelve guards were placed around the jail from twenty-five to seventy-five steps from it. Some twenty-five of the crowd went up and stood around the jail door. Captain Harper called for the hammer, and commenced breaking in the door. He, Williford, after a couple of blows on the door, moved off and stood by the corner of the court-house. Most of the crowd was armed with shot-guns. None of them were disguised. After considerable hammering the door flew open, and Vaugor, or De Nanger, and Hines came out. As soon as the crowd had the prisoners, and after cheering in front of Richard Klag's house, they left Kinston between 12 and 1 o'clock, going to their several homes. He saw no citizens out during the time. There were in the crowd at the jail Captain Harper, Henry Croom, Samuel Perry, Reddin Hines, one of the Hill boys, two of the Harpers, brothers of the captain, Joseph Parrott, Alexander Dawson, Mr. Tillen. The others he does not now recollect.

On a Saturday, at Croom's distillery, some two weeks after the jail was broken open, he was at another meeting. There was present Kenady, James Perry, Jeff Perry, Sam Perry, Henry Croom, — Smith, Alexander Dawson, Ashly Vaughn, Kit Davis, James Hines, Reddin Hines, three Harper boys, and a good many others whose names he does not recollect. Kenady, at this meeting, told the members that Colgrove, the sheriff of Jones County, ought to die; that he, Colgrove, had just got loose from the penitentiary, and if they didn't kill him they were not true to their clan. Reddin Hines said it was all right; that he, Colgrove, "should go up." The camp determined then to raise a certain sum for Colgrove's scalp, and subscriptions were then made. Kenady said he would give \$10, and, if necessary, \$50. One of the Davises said he would give \$5, and Croom, Smith, Reddin Hines, Jeff Perry, the three Harper boys, and others, also promised.

It was understood that at the next meeting it would be decided who and how many should go and do the deed. At the next meeting he, Williford, was sick and did not go. The Monday after the meeting he saw Jeff Perry in his field, and he, Perry, told him the arrangements were made, that Colgrove had to "go up," remarking: "that

some of the best of the boys had to go, and if they did get him, there would be one of the biggest barbecues ever given in Jones County." This conversation took place about two weeks before Colgrove was killed, and in about some three or four weeks a big barbecue was given at Farm Valley by Jesse Kenady, Joe Parrot, and Jim and Jeff Perry, and others. He, Williford, went to no more meetings. He understood that the order was brought to Lenoir County by one Temple, of Wake County, who was a brother-in-law of Croom. After Colgrove's death Kenady told him there were but ten of the camp who were in it, or who were with those who killed Colgrove.

Soon after Grant was killed, Ash, DeNanger, and Joe Parrott told him, Williford, they were present and helped do it. It was his understanding from the by-laws, and the charges given in the meetings, that the members were to do everything in their power to break up the radical party, even to burning their houses, killing them when ordered by the camp, destroying their property, &c.

T. F. WILLIFORD.

Text:

QUEST RUBBER.

Affidavit of F. U. Blanchard.

F. U. Blanchard, a citizen of Alamance County, North Carolina, being duly sworn, deposes and swears as follows:

I was initiated as a member of the organization of White Brotherhood about two years ago. I was initiated by George Mobano; there were about six present, all in disguise, save Younger. Mobano was in disguise until after I was initiated; then he took off his false face. The others I did not know. After Younger and myself were initiated we were asked "what we came there for." I answered, I did not know. They said, "We had you brought here to make something in the shape of a coffin for to put at Joseph McAdam's door to scare him." I told them that is something I cannot do. Some of the party told me that if I did not do it I would be hanged, and put a rope around my neck, and one of them run up a tree with a rope in his hands, and some one said "Hold on." There the matter stopped. I assisted in making the coffin or box. I did this, fearing that if I did not, I would be punished with death, as I thought. After making this box it was left in the shop, which was an open one. On the next morning the coffin was missing. This coffin was finished on Saturday. The next I heard of this was that the coffin was placed at Mr. McAdam's door. I did not know the parties that placed at the door of Mr. McAdam this coffin.

I never afterward had anything to do with the organization, because, from the above, I was led to believe that its purposes were wrong.

I would have exposed the whole thing at the time, if I had not been afraid of being punished by death by the organization. I do not think any man could have been convicted by the civil authority, for the reason that we were bound to swear for our comrades, even to the extent of an *alibi*, and no power but the military could have broken it up. I never had a gown; I was never in disguise. This organization was for the purpose of the advancement of the interests of the conservative party.

F. U. BLANCHARD.

Sworn and subscribed before me, August 17, 1870.

W. A. ALBRIGHT,
C. S. C.

J. J. Younger, a citizen of Alamance County, after being duly sworn, deposes and says:

I joined the organization of Constitutional Union Guards about two years past. I was initiated in the woods near Sellers's mill, on Haw River, in said county. There were present five men, three of whom I know, to wit, John Long, George Mobano, and F. W. Blanchard; the others were in disguise. George Mobano made a motion that a box imitating a coffin should be made to put at Joseph McAdam's door, but intended no damage; which motion was carried. Then F. W. Blanchard and myself were designated to make it, we both being mechanics. I insisted that I would not do it, as McAdam was a brother Mason. I was told by George Mobano, "You will have it to make, or you will be punished," and my understanding was that that punishment would be death. I assisted in making the box at the time I was ordered to do so. I was ordered to do this within two days after the meeting referred to. I made the coffin at F. M. Blanchard's shop, one mile from Big Falls, in said county, and left it in said shop; said shop stands about half open—no doors one end—entirely open half of one side. On the next morning the coffin was not there. The next I heard of this coffin, or one similar to the one I made, was put at said McAdam's door at his dwelling. I would have informed Mr. McAdam of this had I not felt sure that I would be punished either by whipping, hanging, or drowning. I had a gown, but on reflection I destroyed it

LXII CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

the day after the coffin was placed at this man's door. I then thought the organization was wrong; the purposes of the organization, as I understood them, were being perverted. I had nothing further to do with it; and I believe if myself and Blanchard had been arrested by the civil authorities, the parties who ordered us to make the box would have sworn falsely in the matter, and my impression is that it was generally understood that the organization or the members of it should do all they could to keep comrades from being punished by any authority, even to the extent of swearing an *alibi*. I never was on a raid; never was in any meeting but the one named above, and know none of its members, as I had nothing to do with it after the making of the coffin.

J. J. YOUNGER.

Sworn to and subscribed before me this 17th of August, 1870.

W. A. ALBRIGHT, C. S. C.

STATE OF NORTH CAROLINA, County of Alamance:

Before me, a justice of the peace, personally appeared J. C. Whitesell, who being duly sworn, deposeth and says:

I was taken into the society known by the name of White Brotherhood by John E. Clapp, in the month of April, 1869. Andrew Kuffman was sworn in at the same time; Thaddeus Ingle was sworn in at the same time; Jacob Kuffman at the same time. I don't recollect all of the oath, but we were told that if ever I revealed the secret I would be punished by the order of camp. J. H. Albright is the first man that ever named it to me, and conducted me to camp. I was where they met, at Bandling's shop; Macon Apple was chief, and once at Cable's school house, William Tichel was chief that night. John Wagner, and Jacob Wagner, and Lewis Huffins, and Peter Michael, and Joel Tichel, and Calvin Tichel, and J. H. Albright, appointed a meeting near the railroad last September, to elect a chief, at which meeting I was elected chief of the camp. The next meeting was near George Whitesall's, and I, as chief, administered the oath to George Whitesell, and Daniel Patton, and William Swing, and Joel Swing, and William Huffman, and John Curtis, and Alfred Whitesell, and John Huffman. Macon Apple's camp ordered that a negro man was to be whipped at a certain time, living at Robert Thomas's. Myself and Daniel Whitesell, and Rankin Lowey, and Patterson Whitesell, and Rankin Whitesell, and J. H. Albright, and Macon Apple, and Alson Burr, and others that I don't recollect—Macon Apple ordered that we should give so many licks. The next raid I was in was at Lewis Tickle's; the whipping of William Long, black man, myself and Rankin Whitesell, and Jeremiah Whitesell, and Daniel Whitesell, Rankin Low, and William Low, William Tichel, William Smith, Phillip Boon; we gave four or five licks apiece. It was ordered by the camp that met at Joshua Boon's still-house that Carter Cansoy should be whipped. Myself and Rankin Whitesell, and Jeremiah Whitesell, and William Geringer, Joel Spring, David Thomas, Robert Fobish, and Jacob May carried the order into execution.

J. C. WHITESELL.

Sworn and subscribed before me this 6th day of September, 1870.

J. A. NEESE, J. P.

ROXBORO, PERSON COUNTY, NORTH CAROLINA,

October 7, 1870.

DEAR SIR: The first victim to Ku-Klux violence was Mr. S. L. Wiles; lived four miles south of Roxboro; an industrious and, in his dealings with persons, strictly honest man. The alleged charge against him was that he was living in adultery with a colored woman. (Can't say as to the truth of the charge.) The woman's name is Harriet Bran, who also, with Wiles, was cruelly whipped, and both of them driven from the farm he had rented for the year. The next and only other instance I can call to mind was against Wm. B. Hudgens; the supposed cause was that he was living on land the title of which is in dispute. The party not in possession had ordered him to leave the premises, threatening at the same time if he failed to do so within a certain time, he would be Ku-Kluxed off. He failed to leave as ordered, and was afterward cruelly and most terribly beaten by disguised men, (28 in number,) and forced to leave the premises he had leased for two years.

Hudgens has always voted the democratic ticket; Wiles the republican. I don't think politics had anything to do with either case.

Most respectfully, &c.,

Governor HOLDEN, Raleigh, N. C.

P. S.—I had liked to have forgotten to mention the case of a Mr. Thomas, United States

CONDITION OF AFFAIRS IN THE SOUTHERN STATES. LXIII

detective, who visited Roxboro on business pertaining to his duty, and during the night had a coffin placed at his door with the following inscription tacked on it, to wit: "You and all other damned radicals had better leave these parts, or else you will fill this furniture."

A true copy of original letter on file in executive department of North Carolina.

J. B. NEATHERY,
Private Secretary

LINCOLNTON, NORTH CAROLINA,
October 17, 1870.

DEAR SIR: According to your request we send you the below list of names of persons that have been maltreated in Lincoln County:

Harriet Quikel, black, whipped and shot.
Sam Ward, wife, and daughter, black, whipped.
Rufus Friday and wife, black, whipped.
James Falls, black, whipped.
Charles Sumner, black, whipped and robbed of \$15.
John Connely, black, whipped and shot.
William Magboe, black, robbed in the woods of all his money.
Rouben Litton, black, whipped and shot.
Jerry Wood, black, whipped and drove from home; life threatened if he returned.
J. Barringer, black, whipped and drove from home; life threatened if he returned.
Rufus Bindhardt, black, whipped and shot dangerously.
E. Wilfong, black, whipped and shot dangerously.
Peter Hoover, black, whipped.
Lawson Friday, black, whipped and shot.
S. Metz, black, whipped.
John Miller, white, whipped and shot.
Adeline Fisher, white, whipped.
Mary Fisher, white, whipped.
Sally Fisher, white, whipped.
J. McMellon, white, whipped.

Jeff Herndon, black, house robbed of two guns.

There are a number of other cases, but we cannot get their names.

The colored man, Wilfong was shot in the back and is mutilated for life. * * *

For the sake of my family please not mention my name in this matter.

Governor HOLDEN.

I certify on honor that the above is a true copy of the original report, on file in the executive department of North Carolina.

December 20, 1870.

J. B. NEATHERY,
Private Secretary.

STOKES COUNTY, NORTH CAROLINA, October 23, 1870.

I believe this infamous order of *Thugs* existed here in the fall of 1867. Tobacco traders and distillers who were in the habit of evading the revenue laws, and more especially the tobacco peddlers to South Carolina and Georgia, were the first persons to become acquainted with the concern, and to initiate others in this region, and to practice the diabolical edicts of the order.

* * * Just before the presidential election I had information that three councils of Ku-Klux existed in the county. One not of theirs was to attack and beat Stephen Bynum, a colored man, near Germantown. A number of masked men took him out of his house late at night, and whipped him on account of his being a republican.

About the same time a number of masked men rode through the town of Germantown, and, while a party of colored people of both sexes were dancing, fired into the house and badly wounded a colored man in the knee.

Various other acts have been committed at different periods, (of whipping.)

Parties of masked men have been seen in many localities, and men of prominence have received letters containing threats of violence to them on account of their political opinions.

Threats of violence have frequently been made to colored men who lived on the land of rebels, that they would be dispossessed if they voted for republicans.

The proper authorities, who have been informed of these facts, were either afraid to

LXIV CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

move in the matter or did not care about it. Nothing has been done more than to make some little pretense.

Please do not use my name.

I certify, on honor, that the above is a true copy of a letter from Stokes County, on file in the executive department.

J. B. NEATHERY,
Private Secretary.

December 20, 1870.

ASHEBORO, NORTH CAROLINA, October 28, 1870.

DEAR SIR: Yours of the 30th ultimo is to hand. I am sorry to have to inform you that Randolph County is almost entirely governed by the Ku-Klux. I supposed before the election that there were a good many in the county, but I had no idea that they were half so well organized; but I am proud to say that my township gave a large republican majority. The Ku-Klux have not committed many gross outrages in this county, like they have in some others. Their object seemed to be to decoy as many as possible into the organization by making them believe it was not a very bad thing. They paraded through several neighborhoods just before the election, in order to terrify the most timid republicans, and by their threats, &c., make them stay away from the election. They know very well who was easily scared. They have not been so bold since the militia was called out. If the republicans had not (some of them, both white and colored) been so easily intimidated and staid at home, we could easily have carried Randolph. It is very hard to know whom to put confidence in. I know a great many men who hid out during the war, who were whipped, kicked, and handcuffed by the rebels during the war, who are now among the Ku-Klux, and voted for the men that abused them so badly. I don't know that any person in this county has been murdered by the Ku-Klux. I only know of two that have been whipped; one was a colored boy, I think, by the name of Cheek, who was taken to Franklinville last spring, in the night, and tied up and whipped in the village. James Brookshire, a colored man, was whipped at his own house last spring, and his gun taken away, and he forced to leave the neighborhood. One school-house was burned in 1869; it belonged to the colored people. A great many, both white and colored, were visited by the Ku-Klux; and severe threats made against them if they voted the republican ticket.

Respectfully, yours,

JOEL ASHEWORTH.

Governor HOLDEN.

Wyatt Prince, colored, being first sworn to tell the truth, the whole truth, and nothing but the truth, says he is a citizen of North Carolina, and a resident of the county of Chatham.

In the month of July, while at home with my family, and all in bed asleep, a company of white men, masked, approached my house, and without giving any warning, burst the door in, and one of the number struck a match, and from the light thereof saw where I was lying, and exclaimed, "There he lies; come in, boys, come in;" and immediately the house was filled with these men, who gathered around him. I attempted escape, when one of the number exclaimed, "God damn him; shoot him, boys, shoot him;" whereupon they commenced shooting with pistols, and wounded me in the right arm, left side, left thigh, and below my left knee. During this time I had moved from my first position, and they missing me, they endeavored again to strike a match, and not succeeding, I made my escape through a window and fled to the woods. For several weeks I was bedridden with my wounds. I am now a refugee from my home, and cannot return for fear of losing my life. These Ku-Klux frequently visit my house of a night, and have declared that if they ever catch me they intend to cut me open and fill my body with rocks and sink it in the river. My family are still in Chatham. I cannot go to them, nor can they come to me. My corn crop still stands in the field ungathered, and my cotton has been gathered in part by one of my enemies and appropriated to his own use. I believe I know four of the persons who made the attack upon me. Alys Nash, colored, who brought the information of the outrage upon me to Raleigh, has been persecuted for the part of friendship he showed to me. His liberty has been taken from him, and he is under arrest under false charges. I am not sensible of having done any one a wrong. I attended to my own business, and only have given offense by being, as I believe, a true republican.

his
WYATT + PRINCE.
mark.

Sworn and subscribed before me this the 21st day of December, 1870.

W. WHITAKER, J. P.

CONDITION OF AFFAIRS IN THE SOUTHERN STATES. LXV

Viccy Baldin, colored, being first sworn to tell the truth, the whole truth, and nothing but the truth, says she lives in the county of Chatham, State of North Carolina; that about three weeks ago, at night, a mob of some thirty or more white men came to her house and arrested her husband, charging him with being a barn-burner, and when they called him up to say what he knew of the barn-burning, he said he knew nothing about it, whereupon they pointed their pistols and guns at him, and, with an oath, threatened to blow his brains out. My husband, with some eighteen or twenty others, are now held as prisoners in a house in the country, guarded by armed men, without the poor privilege of a trial, and contrary to the laws of the State. These white men, in order to torture from them a confession of guilt, give them drugged whisky, and then place a gun to their breasts and tell them to tell all about it or they will be shot. These colored men are told that they shall not go to Raleigh for trial, nor to Pittsboro, for if they do they will get clear, and that they shall have their trial in Chatham County of a night.

her
VICCY + BALDIN.
mark.

Sworn and subscribed before me this 21st December, 1870.

W. WHITAKER, J. P.

Cilla Norris, colored, being sworn to tell the truth and the whole truth, says she is a resident of Chatham County; was at the home of Wyatt Prince on the night of the attack upon said Prince by the Ku-Klux; that she recognized, and is certain that she is well acquainted with, some of the said Ku-Klux. She is a witness against them and they have notified her that she must leave the county and never return, and if she does, they will kill her; that she is now a refugee from her lawful home, and cannot return. She cannot state positively as to the number present on the night of the assault; the house was full, and the yard around the front of the house was full. They were all masked, but in the general confusion in the house the masks of some of them were removed, and she identified them as well as recognized their voices.

She further testifies that the evidence given by Wyatt Prince is strictly true; that his wounds, though flesh wounds, were severe, and that he has now the scars on his body.

her
CILLA + NORRIS.
mark.

Sworn and subscribed before me this 21st day of December, 1870.

W. WHITAKER, J. P.

STATE OF NORTH CAROLINA, Wake County:

I, John N. Bunting, clerk of the superior court of the county of Wake, certify that W. Whitaker was, at the time of taking the foregoing depositions, a justice of the peace for the county of Wake, and as such his official acts are entitled to due weight and consideration.

In witness whereof I hereunto sign my name, and affix the official seal of my office, this the 21st day of December, 1870.

[L. S.]

J. N. BUNTING,

Clerk Superior Court of Wake County

Outrages committed by persons in disguise in the county of Alamance since the 1st of December, 1868.

Wyatt Outlaw, a respectable colored man, taken from his house in the town of Graham, (in presence of his aged mother and three helpless little children,) at 12 o'clock in the night, by a party of from seventy-five to one hundred persons in disguise, and by them hung by the neck until he was dead, from the limb of an elm tree, thirty yards from the court-house door in said town, where he was allowed to hang until 11 o'clock the next day. No offense was alleged against him.

William Duryear, a half stimple colored man, was taken from his family in the night by eight or ten persons in disguise, and drowned in Wilson's mill-pond; he was murdered because he saw some of the parties who hung Outlaw on their way home, and it was feared that this would lead to their detection.

An infant child of Joseph Harvey (colored) was knocked from the arms of its mother by a party of disguised persons who went to Harvey's house for the purpose of whipping him; the child died shortly afterward from the effects of the fall.

A party of fifteen or twenty disguised persons surrounded the house of Caswell Holt, (colored,) broke down the door and fired into the house, one of the bullets taking effect

LXVI CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

In the lung and shoulder of Holt, from which he was confined for a long time, and his life was, for awhile, despaired of.

A party of e' fifteen visited the house of Squire Alston (colored) in the night for the purpose of whipping him; they broke down the door, but were met by a blow from an ax in the hands of Alston's wife, taking effect on the face of one of the assailants, which was returned by a shot, inflicting a severe wound in the arm of the woman.

A band of disguised men, several in number, rode up to the house of William Horniday, one of the most respectable men in the county, and fired a shot through the house, which came near killing Mrs. Horniday.

Alonzo B. Corliss, a northern man, who was teaching a colored school at Company Shops, was dragged from his bed by twelve or fifteen disguised men, amid the shrieks and cries of his ill-dressed wife, carried a little distance into the woods and severely whipped, the hair and whiskers shaven from one side of his head and face, his head and face cut and disfigured in a most cruel manner, after which he was painted black and left in this condition. Mr. Corliss had been for some time a cripple and could not walk without crutches.

Caswell Holt, (colored,) taken from his house in the night, was whipped until the blood was streaming from his back; he was then made to bend down, while one of the parties tortured him by rubbing a rough stick up and down his back.

Joseph Harvey, (colored,) taken by fifteen or twenty in disguise, carried about three-quarters of a mile from his house, dragged over fences, rocks, through briars, and about one hundred and fifty lashes laid upon his bare back.

John Ringstaff, a white boy about twenty years old, taken from his bed in presence of his mother and two sisters, and dragged to the woods and whipped.

Leonard Rippy, a respectable white man, taken in the night by a party of twelve or fifteen men in disguise, and badly whipped.

Linneus White, severely whipped by eight or ten in disguise.

William Shoffner, a white boy, seventeen years old, whipped.

Nathan Trollinger, (colored,) taken from his house by men in disguise, severely whipped, and afterwards made to mutilate his own private parts with his pocket-knife.

Sandy Sellers, (colored,) house surrounded, door broken down, and himself taken from bed by disguised men and whipped, and his back flayed with a stick.

Jacob Brannock, (colored,) taken from his bed on two occasions and badly whipped.

William Simpson, a respectable white man, taken from his own house in the night, from the presence of his wife and little children, and tied to a tree, stripped, and a most unmerciful scourging administered by men in disguise. Simpson has since been forced to leave the county, with his family, for protection.

Samuel Garrison, (colored,) badly whipped.

Anthony Foster, (white,) aged about eighty years, taken from his bed, whipped and kicked until life was nearly extinct.

William Long, (colored,) dragged from his bed and whipped.

Hamilton Brom, (colored,) dragged from his bed and whipped.

A party visited the house of Levi Dicky, (colored,) for the purpose of whipping him, and falling to find him, choked his wife in a most inhuman manner.

Alfred White, (colored,) taken from his house and whipped.

John Gerringer, (white,) taken from his house and whipped.

John Morrow, a colored school teacher, taken in the night and severely scourged.

A Mrs. Poy and her daughter, (white,) thrown out of her house, and both of them badly beaten and maltreated.

Sally Hall and her two daughters thrown out of their house and whipped, and one of them made to exhibit her person, while the fiends proceeded to inflict blows upon her private parts.

John Bason, (white,) taken from the piazza of the store at Hair River cotton factory, while on guard as watchman, and badly whipped; he was informed the reason—that he had failed to go to the election.

Siddell, (white,) superintendent of Carolina cotton mills, taken from his bed and badly whipped.

James Long, (colored,) whipped, and forced to flee the country.

Charles Brannock, (colored,) whipped severely.

Hardy Mulkins, (colored,) whipped severely.

George Rippy, (colored,) whipped, and forced to leave the country.

John Bass, (colored,) "potterized." He has recovered, and is now living, and can testify to the fact.

About seventy-five disguised persons rode through the principal streets of Graham in the night, halted, and formed in front of the dwelling of N. A. Badham, esq., frightened his family, and threatened and insulted him. The same party shot at persons on the streets, and fired through the dwelling-houses of Harry Cain, colored, and Eli Outlaw, colored.

The same party which hung Outlaw went to the house of Henry Hall, colored, for the purpose of hanging him, but not finding him at home, left word with his wife that

CONDITION OF AFFAIRS IN THE SOUTHERN STATES. LXVII

they would be back at a certain time, and if Henry was found they would hang him. This same party rode by the residence of William R. Albright, esq., disturbed his family, and threatened him.

A large and costly building at Company Shops, belonging to Daniel Worth, and used as a school-house, was burned to ashes.

A letter was thrown into the piazza of H. A. Badham, esq., notifying him and P. R. Harden, esq., that unless they ceased to prosecute Ku-Klux they would be visited with punishment. Badham is a lawyer, and Harden a justice of the peace.

Senator F. M. Shoffner was forced to flee the country for safety, because he introduced into the legislature what is known as the Shoffner military bill. A party was actually on the way to murder him, but were stopped by Dr. Moore.

A coffin was made and placed at the door of Joseph McAdams, a highly respectable citizen, in order to frighten him from the county, because he was obnoxious to some of the Ku-Klux.

In all of these cases of whipping the programme was about the same: From eight to twenty persons in disguise would go to the house of the intended victim in the night, and before any one was aware of their presence they would break into the house, drag out the party to be punished. In the mean time they would gag, and by other means stop any alarm by the other inmates.

The raids were generally made from 11 to 3 o'clock. Only one person was allowed to speak on a raid, and this was either a stranger in the neighborhood or one who could very effectually change his voice. Pickets were always posted, and the greatest precaution taken to prevent detection.

RALEIGH, December 22, 1870.

The within statement of outrages in Alamance County was furnished by leading citizens of that county, who, for prudential reasons, do not wish their names used.

J. B. NEATHERY,
Private Secretary.

Official copies:

E. D. TOWNSEND,
Adjutant General.

HEADQUARTERS DEPARTMENT OF THE EAST,
New York City, January 9, 1871.

GENERAL: In compliance with the instructions of the 20th ultimo, in reference to the Senate resolution calling for information relative to the organization of disloyal persons in the State of North Carolina, I transmit herewith reports of the officers who have been in command in that State since its transfer to the Department which I command, together with copies of letters received from the governor and adjutant general of the State, bearing on the subject, and of the instructions given by me from time to time to the officers in command.

Very respectfully, your most obedient servant,

IRVIN McDOWELL,
Brevet Major General Commanding Department.

ADJUTANT GENERAL UNITED STATES ARMY,
Washington, D. C.

[Indorsement.]

HEADQUARTERS MILITARY DIVISION OF THE ATLANTIC,
Philadelphia, Pennsylvania, January 12, 1871.

Respectfully forwarded to the Adjutant General of the Army.

GEO. G. MEADE,
Major General Commanding.

{Telegram.}

RALEIGH, NORTH CAROLINA, June 22, 1870.

Brevet Brigadier General C. MCKERVER,
Assistant Adjutant General, New York City:

The United States marshal calls upon me for military aid in making the arrest of parties charged with violently resisting the collection of the United States revenue.

LXVIII CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

This is also requested by the United States district judge. It is important that action be taken to-day. Please instruct me.

R. T. FRANK,
Brevet Lieutenant Colonel Commanding.

HEADQUARTERS POST OF RALEIGH,
Raleigh, North Carolina, June 23, 1870.

GENERAL: I have the honor to make the following report of the circumstances under which military aid was rendered necessary for the enforcement of the United States laws, by the United States marshal, in the case reported to you yesterday by telegraph.

A bench warrant was issued by the district judge of the United States for the district of North Carolina, against the proprietor or manager of a circus and his company, upon the affidavit of the collector of internal revenue for the sixth district, in which it was alleged that a conspiracy was made by said company to prevent the deputy collector from the collection of the United States revenue tax.

That the circus company, or a number of them, attacked the deputy collector with drawn pistols, beat and maltreated him, and took by force of arms the taxes which had been collected. That an effort was made by the civil authorities to arrest the members of said company, but failed on account of their number and desperate character. This company being on the move, the marshal represented that it was impossible to get a sufficient party at any place to apprehend them, and that they were shortly going to leave the State for Virginia, where they have advertised to show in a day or two. Under these circumstances it appeared to me advisable to order a military force to accompany the marshal to Ruerville, North Carolina, where they were advertised to exhibit their show to-day, and to render him such assistance as might be found necessary in making these arrests. A guard of one commissioned officer and eleven men was sent, and the officer in command was instructed not to interpose his force actively, unless circumstances should render it necessary, in which case he would take the most effective measures for the accomplishment of the purpose, bearing in mind the official responsibility to which he is held.

In my opinion the mere presence of the troops will prevent the necessity for their use, though the company have the reputation of being a party of desperadoes.

Very respectfully, your obedient servant,

R. T. FRANK,
Captain Eighth Infantry, Brevet Lieutenant Colonel.
Brevet Brigadier General CHAUNCEY MCKEEVER,
Assistant Adjutant General Department of the East, New York City.

[Telegram.]

RALEIGH, NORTH CAROLINA, July 6, 1870.

Brevet Brigadier General C. MCKEEVER,
Assistant Adjutant General Department of the East:

The United States marshal asks for a military force to aid in the arrest of twelve men for whom a warrant has been issued by the United States commissioner. The men are charged with violation of section six of the not approved May thirty-first, eighteen hundred and seventy. The marshal thinks it impracticable to summon an adequate civil posse, and expresses the belief that if he were to, it would result in a conflict and loss of life.

R. T. FRANK,
Captain Eighth Infantry, Commanding.

[Telegram.]

RALEIGH, NORTH CAROLINA, July 15, 1870.

Brevet Brigadier General C. MCKEEVER,
Assistant Adjutant General Department of the East:

The United States marshal applies for a military force to aid in the arrest of ten men charged with violating section six act approved May 31, 1870, for whom he has warrant from the United States commissioner.

R. T. FRANK,
Brevet Lieutenant Colonel Commanding.

CONDITION OF AFFAIRS IN THE SOUTHERN STATES. LXIX

HEADQUARTERS POST OF RALEIGH,
Raleigh, North Carolina, July 10, 1870.

GENERAL: Referring to my telegram of the 15th instant, I would respectfully state that the circumstances in this were similar to those in the previous case; for that reason the particulars were not given in my telegram, but will be in future.

The case was one where a band of thirty or forty men visited the house of a white man who was known to be in his political sentiments a republican. They took him from home, and after visiting the house of two other men, understood to be of the same political sentiments as the first, whom, however, they did not find at home, they tied him to a tree and beat him with sticks most inhumanly, as it is alleged, and telling him if he did not leave within ten days they would kill him, they left him unable to walk and in a precarious condition. The others whom they had threatened fled to this place and dare not return. Ten of this band were recognized by the party whom they assaulted, and warrants for their arrest issued by the commissioner.

The marshal at once applied for a military force, as he had done in the previous case, without making any effort on his own part to make the arrests. I explained to him that an effort to execute the laws by the civil authorities should be made, as otherwise the necessity for a military force was not apparent. He said it was difficult, if not impossible, to get a posse large enough to arrest so many under less difficult circumstances; that in these cases they were banded together, and would oppose the arrest of any of the number by the civil authority; that threats of resistance had been made, and many of the men were desperate and lawless characters. It was impossible for me to say, with the knowledge I then had, whether these apprehensions were well founded or not, but I felt assured that the presence of a military force would prevent a breach of the peace; beside, the marshal suggested that were the attempt to be made by him and fail, the parties could not be found afterward when sought for with a military force.

Under these circumstances, I thought the presence of troops would prevent the necessity for their use, and therefore telegraphed, although it did not appear to me imperatively necessary, nor that the civil authorities had exhausted all other measures.

Most of the cases arising under the 6th section of act approved May 31, 1870, are Ku-Klux outrages, and are similar in character and surrounding circumstances to the one here warranted. I have given it therefore in detail, as well as the obstacles, so far as they now appear, to the enforcement of the laws by the civil authorities in such cases.

The marshal was informed to-day that in this, as in every future application for troops to aid in the enforcement of the civil laws, the necessity must be presented, as indicated in your dispatch.

There is now a force of militia operating in several parts of the State, and have made the arrest of many leading men charged with the Ku-Klux outrages.

Whatever other effect this force may have, it is my opinion it will put an end to scenes of that character.

Very respectfully, your obedient servant,

R. T. FRANK,
Captain Eighth Infantry, Brevet Lieutenant Colonel Commanding.
 Brevet Brigadier General C. MCKEEVER,
Assistant Adjutant General Department of the East, New York City.

A true copy:

C. MCKEEVER,
Assistant Adjutant General.

HEADQUARTERS POST OF RALEIGH,
Raleigh, North Carolina, July 21, 1870.

GENERAL: I deem it proper to state, for the information of the department commander, that the aspect of affairs in this State is just now rather threatening. A large number of prominent men have been arrested by the militia and are now held in military custody. Writs of *habeas corpus* have been issued in these cases, which the officers in command have refused to comply with, by order of the governor. The cases have been argued for the last few days before the supreme court of the State at this place. The arguments were concluded to-day, and the court will render its decision to-morrow or next day. Should the decision be favorable to the action taken by the governor, (though it is thought by many that it will lead to a conflict,) it is not likely to be of so serious a character or of very great extent, if, indeed, it leads to a conflict at all. If, however, the decision should be adverse to the course pursued by the governor, it will not, in my opinion, change his purpose or lead him to modify his action in the premises. In the effort, therefore, to release them, which would in all probability be made, judging from the tone of the people, a serious conflict is likely to be the result.

These are my own impressions, based upon observation and information gained from

LXX **CONDITION OF AFFAIRS IN THE SOUTHERN STATES.**

reliable sources, and I thought it proper to communicate them to the department commander.

It is possible that, whatever the decision may be, matters will settle down without serious results, but there is certainly good reason for grave apprehensions.

Very respectfully, your obedient servant,

R. T. FRANK,
Captain Eighth Infantry Commanding.

Brevet Brigadier General C. McKEEVER,
Assistant Adjutant General Department of the East, New York City.

A true copy :

C. McKEEVER,
Assistant Adjutant General.

HEADQUARTERS POST OF RALEIGH,
Raleigh, North Carolina, July 23, 1870.

GENERAL: As I yesterday communicated my opinion of affairs in this State, I would again state that since then matters remain unchanged. The court will deliver its opinion to-morrow; and it appears to be pretty generally conceded that in its main points it will sustain the action of the governor. As I stated in my letter yesterday I do not therefore think any serious consequences will immediately follow. The governor, however, believes that in the progress of events an effort will be made to get possession of the prisoners now in custody, or which may hereafter be arrested, and in that event he thinks an attempt would first be made to get possession of the State armory.

Though not fully concurring in these apprehensions, I would suggest, if it be intended to use the United States troops in aid of the State authorities in such a contingency that a detachment from the company at Fort Johnson be sent to this post to serve the two light 12-pounders which I have. If the department commander thinks favorably of this suggestion, I inclose herewith a requisition for the necessary ammunition, for his approval.

Very respectfully, your obedient servant,

R. T. FRANK,
Captain Eighth Infantry Commanding.

Brevet Brigadier General C. McKEEVER,
Assistant Adjutant General, Department of the East, New York City.

A true copy :

C. McKEEVER,
Assistant Adjutant General.

[Telegram.]

Brevet Brigadier General C. McKEEVER, *Assistant Adjutant General :*

RALEIGH, N. C., July 25, 1870.

From information received by the governor, preparations are being made to attack Colonel Kirk's command and release the prisoners at Yanceyville. What orders have you for United States troops?

R. T. FRANK,
Captain Eighth Infantry.

A true copy :

C. McKEEVER,
Assistant Adjutant General.

HEADQUARTERS POST OF RALEIGH,
Raleigh, N. C., July 26, 1870.

GENERAL: Referring to my telegram of yesterday, relative to the threatened attack upon Colonel Kirk's command, I would respectfully state that I have from time to time expressed my opinion upon the aspect of affairs in this State by mail, in order that the commanding general might properly appreciate any matter communicated to him by telegraph, as it is often very difficult for me to form a correct judgment upon matters transpiring at remote points, when the information received is from persons not well known to me, and of whose credibility I am not well informed. I have been fearful of misleading the commanding general by expressing my own opinion, especially when that was not in accordance with the opinion of the governor and other persons in high

CONDITION OF AFFAIRS IN THE SOUTHERN STATES. LXXI

positions, who ought to be better informed and able to appreciate the merits of the case.

The information relative to Kirk's situation was a report from Kirk himself and the personal representations of his lieutenant colonel, who was an eye-witness to the preparations going on. He, as well as Kirk, regarded a conflict imminent—in fact, the lieutenant colonel had no doubt but that one had taken place on Sunday or Monday. The governor did not doubt but that such was the case, and said that he had information from other sources going to show that preparations were being made for such an event. In the face of so much intelligence, I could not doubt but that Kirk was in danger, though from my knowledge of the people of North Carolina they have had fighting enough, and although there are many bad men among them, who do not hesitate to perpetrate the most horrid crimes under the cover of midnight and the secrecy which surrounds the Ku-Klux Klan.

I have no idea that a force of any considerable strength could be organized to engage in a conflict with the United States forces, or even the State militia.

The feeling generally prevails that they were once led into a war by designing men, but that they will not be again under any circumstances. I do not, therefore, believe any organized resistance likely to occur, unless it comes from a few young and ignorant men, who, under the name of Ku-Klux Klan, have committed such diabolical outrages.

The condition of civil affairs in many counties is certainly very bad. I inclose herewith the reply of the governor to the chief justice of North Carolina, and so far as it relates to the insufficiency of the civil law to protect life and property, my own observation confirms it.

I was in error as to the number of prisoners held by Kirk. I believe he has fifty or upward. It is the intention of the governor to organize a military court or commission at an early day for their trial. This will take place at Yanceyville, where the prisoners are now held in military custody by Kirk. Kirk has about two hundred and fifty men, I think.

Very respectfully, your obedient servant,

R. T. FRANK,

Captain Eighth Infantry, Brevet Lieutenant Colonel.

Brevet Brigadier General C. McKEEVER,

Assistant Adjutant General Department of the East, New York.

A true copy:

C. McKEEVER,

Assistant Adjutant General.

HEADQUARTERS POST OF RALEIGH,
Raleigh, N. C., October 2, 1870.

MAJOR: Pursuant to telegraphic instructions of the 1st instant from department headquarters, I have the honor to submit the following succinct report of what transpired, and my action in relation thereto, in connection with civil affairs at Raleigh, North Carolina, and its vicinity, previous to Colonel Hunt's assuming command of the district.

May 13, Company G, Eighth Infantry was ordered to take post temporarily at Graham, Alamance County, in consequence of the disturbed condition of affairs in that section and the numerous outrages upon life, persons, and property, the county having been declared in a state of insurrection in March previous.

June 7, Lieutenant C. F. Lashe, Eighth Infantry, was ordered, in conformity with instructions from department headquarters, to Madison County, to make investigation and report upon certain pension claims.

June 23, Lieutenant P. H. Ray, Eighth Infantry, with a guard of ten enlisted men, was, upon the application of the United States marshal, and by authority of the department commander, ordered to Rockingham County, to aid the United States marshal in making the arrest of a party of showmen for whom bench warrants had been issued by the United States district judge. They were charged with having conspired to prevent the United States deputy collector from collecting the revenue tax; with having attacked him with drawn pistols, beaten and maltreated him, and by force of arms taken from him the revenue tax already collected. Efforts had been made by the civil authorities to make these arrests, but without success, in consequence of their large number and desperate character. Lieutenant Ray failed to accomplish their arrest, they having made their escape into the State of Virginia before his arrival.

July 5, Battery L, Fourth Artillery, (Captain King,) was ordered to Roxboro, Person County.

July 7, Battery D Fourth Artillery, (Captain Rodney,) was ordered to Yanceyville,

LXXII CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

Caswell County. Some time during the month of July (the precise date is not now before me) the county of Caswell was declared in a state of insurrection.

July 8, Lieutenant Powell, with a guard of ten men, was ordered to proceed with the United States marshal to the county of Chatham, or to such other places as might be found necessary, to aid the latter in making the arrest of a party of twelve men, charged with a violation of an act of Congress approved May 31, 1870. The particular act charged against them was that they banded together and went upon the highways and elsewhere in disguise for the purpose of intimidating voters, and in the execution of this purpose did assault and fire upon the person of a freedman, wounding him with five bullets, leaving his life in a precarious condition.

Nine of the alleged criminals, or Ku-Klux, were arrested, brought to Raleigh, and, after an examination before the United States commissioner, four of them were either bound over or committed to answer for their crime at the next term of court.

Other applications were made by the United States marshal for military aid in making arrests in cases similar to the above, but he not being able to present the evidence of his inability to execute his processes in his hands by the ordinary means, it was not furnished him. I would here add that the obstacle or opposition with which he had to contend being of the nature of a secret band of assassins, commonly known as the Ku-Klux Klan, whose purpose was to prevent the enforcement of the law in all these cases, it was not always practicable for him to present evidence of the difficulties with which he had to contend in any particular case.

Of the existence and purpose of this organization there cannot be a reasonable doubt, nor can it be doubted that this organization had the countenance if not the active support and cooperation of many of the leading citizens of the State.

Its operations were mainly directed against the local authorities and State government, and were clandestine in their character; therefore there has never been, in my opinion, much ground for apprehending an open opposition to Federal authority, especially to the United States forces. The act of Congress upon the subject, by which they may be arrested by Federal authorities and tried by Federal tribunals, is new, and was entirely unknown to them until they felt its effects in the instance above mentioned.

During the month of July a considerable force of State militia was organized by the governor, and sent to take military possession of the counties of Alamance and Caswell, both in insurrection. A large number of arrests were made, among them many prominent citizens. Whatever else may have been its effects, this for the time effectually put a stop to Ku-Klux outrages. Consternation, fear, and alarm everywhere prevailed among them, and many fled the State.

Frequent inquiries were made of me, and of the officers of my command stationed elsewhere, as to the probable action of the United States troops, and of the purpose of sending them here. I refrained as much as possible from any discussion of the subject, upon which the public mind was so much excited, and enjoined the same upon others of my command. In answer to the inquiries, they were informed that the probable purpose was to act in conjunction with the State authorities in suppressing disorders and maintaining law in the event of their services being required. Such was my understanding of my duties.

The services of the United States troops, except in the instances above mentioned, were at no time called for or needed, though I believe their presence did much to allay excitement and inspire confidence and a sense of security. Some apprehension was felt at one time by the commander of the State troops at Yanceyville that an attack would be made upon him, but his apprehensions proved groundless. The governor also expressed some fear that an outbreak might occur at Raleigh, in which case he feared that possession would be taken of the State armory. This caused me to ask the department commander to order a detachment of artillery here, large enough to serve two guns which I have at this post, in the event of it becoming necessary to use them, which, however, I did not much anticipate. Shortly after this six more companies of artillery were ordered to the post.

July 28, Battery H Fourth Artillery, Captain Smith, was, upon the request of the governor, ordered to Ruffin, Rockingham County.

August 2, Colonel Hunt assumed command of the District of North Carolina.

Very respectfully, your obedient servant,

R. T. FRANK,
Captain Eighth Infantry, Commanding Post.

Major C. McKEEVER,

Assistant Adjutant General, Department of the East, New York City.

A true copy:

C. McKEEVER,
Assistant Adjutant General.

CONDITION OF AFFAIRS IN THE SOUTHERN STATES. LXXIII

HEADQUARTERS FORT MACON, NORTH CAROLINA,
December 28, 1870.

SIR: I have the honor to acknowledge the receipt of a copy of a resolution of the Senate, requesting from the President information relative to organized bodies of disloyal and evil disposed persons in this State, with instructions to make a full report on the matter referred to.

Since I have been in command of this post this portion of the State has been very quiet and undisturbed, nor can I learn that there are any organizations of the kind referred to in this vicinity. I have heard of disorders in the interior of the State through the public press and through officers stationed in the vicinity of such disorders. As these officers have no doubt been called on for reports, the desired information will doubtless be obtained from them, rendering any report from me, which would necessarily be second-hand, being based chiefly upon information derived from them in casual and desultory conversations, unnecessary.

I have the honor to be, sir, very respectfully, your obedient servant,
J. FLEWART,
Major Fourth Artillery, Commanding.

Major C. McKEEVER,
Assistant Adjutant General, Headquarters Department of the East.

HEADQUARTERS POST OF LUMBERTON,
Lumberton, North Carolina, December 30, 1870.

SIR: In compliance with instructions received from Headquarters Department of the East New York, December 24, 1870, on resolution of the United States Senate of the 16th of December, 1870, requesting his Excellency the President of the United States to communicate all information he may possess as to disturbances in the State of North Carolina, I have the honor to make the following report in regard to the state of affairs in Robeson County:

The cause of the trouble in this county is in no way political. A band of outlaws, six in number, have been for the period of four years roving in the numerous swamps that traverse this county in every direction, and robbing and murdering the citizens. They have committed since the spring of 1868 four murders in this county, and about as many more in the adjacent counties. These murders were committed partly to obtain plunder and partly because the men murdered tried to have these outlaws caught and brought to justice. Robbery has been frequent here for years back, but not until after the close of the rebellion was any band formed for that purpose. Every one of this band have indictments against them for murder. The civil authority is powerless to do anything toward their capture. They are mulattoes, and have almost as many friends as enemies. They have friends partly from fear of them, and friends who are suspected of helping them in their acts. The part of this county they mostly frequent is a settlement of about twenty-five square miles, called Sennerton, which is mostly inhabited by mulattoes, who always give these outlaws information of any expedition against them, and resist the civil authorities. Taxes cannot be collected from nor warrants served on any of the inhabitants of this settlement. Sheriff's process have been resisted successfully, and most of the citizens of this and other counties are afraid to travel through the settlement alone, even in daylight. The citizens are afraid to take any measures to capture these outlaws, for fear of being murdered, as several of their number have been before. They are even afraid to tell they have been robbed. These outlaws have been in the hands of the civil authorities, and some of them tried and sentenced, but have made their escape with seeming ease. The leader, about two years ago, gave himself up, remained in the jail of this town (Lumberton) about one week, and then overpowered the keeper when he brought supper, and walked down the main street of the town without being molested. A great many of the citizens have left the county, and more are preparing to leave.

I most respectfully recommend that some measures be taken to give security to the lives and property of the citizens of this county, and, in my opinion, it can only be done by the military, who must have the power and force sufficient to hunt and kill these men.

In regard to outrages committed in other parts of the State, I know very little. While at Raleigh, Wake County, I was a subordinate officer, and only temporarily stationed there, and was not ordered to Graham, Alamance County, until quiet had been restored.

I am, sir, very respectfully, your obedient servant,
EVAN THOMAS,
Captain Fourth Artillery, Commanding Post.

Major CHAUNCEY McKEEVER,
Assistant Adjutant General, Department of the East, New York City, N. Y.

LXXIV CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

HEADQUARTERS POST OF RALEIGH,
Raleigh, North Carolina, December 30, 1870.

SIR: Referring to resolution of the Senate of the United States dated December 16, 1870, calling upon the President to communicate to that body "all information that he may possess relative to organized bodies of evil-disposed persons in the State of North Carolina," &c., and your indorsement of the 24th instant, calling upon me for a full report on the same, I have the honor respectfully to state that, except through the newspaper press, common rumor, and published official documents emanating from the civil authorities, nothing pertinent to the subject of inquiry has come to my knowledge.

Soon after the result of the August election became known, there arose a popular sentiment in favor of impeaching the governor for his action in suspending the privilege of the writ of habeas corpus in certain counties declared by him in insurrection; calling out militia and causing the arrest and confinement by them of prominent citizens "without due process of law," and alleged misappropriation of public funds in the payment of troops illegally constituted.

The proceedings in the habeas corpus cases on the petitions of certain citizens of Alamance and Caswell Counties, so arrested, before the United States district judge for the district of North Carolina, had the effect of rendering impeachment almost a foregone conclusion.

The governor, appreciating the position in which he was placed, in submitting his third annual message to the legislature upon its assembling in November last, attached thereto copies of all documents tending to explain or justify his course. To this I would respectfully refer the department commander for particulars bearing directly upon the subject under consideration.

But one application for military aid has been made by the civil authorities since I succeeded Captain Frank in the command of the post of Raleigh, and this, it was understood, was caused by the depredations of a band of outlaws in Robeson County, whose actions had no political significance whatever.

I am, sir, very respectfully, your obedient servant,

FRANK G. SMITH,
Captain Fourth Artillery, Commanding.

ASSISTANT ADJUTANT GENERAL,
Headquarters Department of the East, New York City.

HEADQUARTERS POST FORT JOHNSTON, NORTH CAROLINA.
December 31, 1870.

SIR: I have the honor to report that there is no organized body of disloyal or evil disposed men in this immediate section of the State. In this county (Brunswick) and New Hanover, (in which is the city of Wilmington,) the people, so far as I know or can learn, are good, peaceable, law-abiding citizens.

No murder has been committed in this vicinity since I came here, ten months ago; and so far as I can learn, none for years. I have learned that in Robeson County, (some seventy or eighty miles from here,) there is a band of marauders and outlaws. I do not know what outrages they may have committed; my impression is that it is not a political organization, as it is universally condemned by citizens here of all parties.

I do not know of any other organized body of evil disposed citizens in this State.

I have the honor to be, sir, very respectfully, your obedient servant,

JOHN MENDENHALL,
Captain Fourth Artillery, Commanding Post.

Major CHAUNCEY MCKEEVER,
Assistant Adjutant General, Headquarters Department of the East, New York City.

HEADQUARTERS FORT ADAMS, RHODE ISLAND,
January 2, 1871.

SIR: In obedience to the instructions contained in your letter of December 24 ultimo, requiring a "full report" on the matters referred to in the Senate resolution of December 16, 1870, which requests the President to communicate to the Senate all information in his possession relative to "organized bodies of disloyal and evil disposed persons" in the State of North Carolina, which have in view or threaten, first, resistance to the execution of the laws of the United States; or, second, denial to the citizens of the United States of the equal protection of the laws, and the free enjoyment of the rights and liberties secured to them by the Constitution; and also, third, what murders

and outrages for political purposes have been committed by such organizations of disloyal persons.

I have the honor to state, first, that having been assigned July 27, 1870, to the command of the District of North Carolina, I arrived in Raleigh August 1, a few days before the State election took place.

I found political feeling running very high, and great excitement existed, growing out of the proclamation of the governor, declaring certain counties in a state of insurrection; the arrest and confinement of many of the citizens by the State troops; the refusal of the State authorities to obey the writs of habeas corpus issued by the chief justice of the State in their behalf, and the failure of the latter to enforce his writs, because it would lead, as was alleged, to civil war.

The excitement was intensified by the asserted intention to try the prisoners by military courts, composed of officers of the State troops, (one regiment of whites, commanded by Colonel Kirk, serving mostly in the insurrectionary district, and one of colored troops, Colonel Clarke, headquarters at Raleigh.) There was much apprehension that such trials, if had, would lead to military executions. A copy of my report on the subject, marked A, is appended.

The prisoners held by Colonel Kirk, or under his orders, claimed that they were deprived of their rights and liberties as United States citizens, and applied to Judge Brooks, of the United States district court, for writs of habeas corpus, which were granted, and all, or nearly all of those brought before him, discharged from custody.

Soon after, the United States marshal in Raleigh, Mr. Carrow, made application to Captain Frank, Eighth Infantry, commanding the post, for military aid in serving process issued by Chief Justice Chase, United States Supreme Court, against Kirk; two or three urgent applications were made in rapid succession, the marshal stating that Kirk was surrounded by armed men, from whom he apprehended resistance; that he had no armed force, nor could he procure one capable of overpowering the force at Colonel Kirk's command, and that it would be useless for him to attempt to serve his process without the aid of United States troops.

I was with Captain Frank when these applications were received, and went with him at once to see the marshal, who stated that he had a number of writs against Kirk, who evaded him, and that force would be required to insure their service.

I then suggested to Mr. Carrow that he should see the governor, who could suspend Kirk from his functions, and, if necessary, direct the next in command to arrest and turn him over; that if this application failed, or Kirk should attempt to resist him, to call upon me.

I heard no more on the subject, nor do I believe, although I had many complaints of their lawless violence toward citizens, and even toward United States soldiers, and had application for protection against them, that the State troops intended or would have ventured to offer any resistance to the United States authority, civil or military, nor do I believe that, in this sense, there were any organized bodies of disloyal and evil-disposed persons in the State.

II. As to the denial of the equal rights and liberties secured to citizens of the United States by the Constitution, I know of none other than those already stated, except so far as the ill treatment of colored people was alleged.

As soon as the result of the election became known fears were expressed by colored people that they would be deprived of their rights, and perhaps reduced to slavery; but this fear soon passed away. About the 8th or 10th of September I was called upon by several colored persons, two of whom represented themselves to be deputed by the colored people of Newberry, South Carolina, to ascertain if the statements then being made in the political campaign in that State as to the ill treatment of the colored people in North Carolina since the August election were true. They said that these statements were creating great alarm in South Carolina, so much that it was considered necessary by the colored people to send a delegation of both parties to ascertain the facts. I told them I would answer such questions on the subject as they might address to me. Copies of their letter, marked B, and of my answer, marked C, are appended. Copies of other official papers relating to the subjects embraced in this report are also appended, marked D, E, F.

III. As to "murders and outrages committed by disloyal organizations for political purposes," I suppose that those alleged to have been committed by the so-called Ku-Klux are referred to. I heard of none such as happening while I was in the State, to which any importance could be attached. Of those which occurred previously to my assuming command, that which created the most excitement was the murder of Mr. Stephens, a State senator, some time in May, I think. This was looked upon by the members of his party as undoubtedly a political murder, perpetrated by the Ku-Klux.

The party charged with this murder was arrested by Colonel Kirk, brought before the State judges on a bench warrant, and bound over to appear when required. As the chief justice did me the honor to invite me to take a seat on the bench, I heard all the evidence, which was published, and can, I suppose, be procured. That against the accused was very slight, and there was no evidence whatever to show that the murder

LXXVI CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

was the work of any political organization, or that the accused belonged to any such organization. Evidence of the existence of such organizations in both political parties was produced; nearly all the cases inquired into proved, however, that other than political purposes were effected through the facilities afforded by these organizations, whose machinery was used to punish theft, burglaries, insults to women, and other offences in no way connected with politics. In due, their principal business seemed to be to do the work usually performed by "regulators" and "vigilance committees."

These crimes were bad enough in themselves, but in the bitterness of party feeling they were greatly exaggerated and misrepresented, and attributed to the political parties as such.

To what extent murders and outrages were committed for political purposes I am not in a position to state, for when the legislature passed laws to punish the members of secret organizations, they were, to a great extent, if not wholly, dissolved, and this was before I assumed command of the district.

Respectfully submitted.

HENRY J. HUNT,
Colonel Fifth Artillery.

The ASSISTANT ADJUTANT GENERAL,
Department of the East.

A.

HEADQUARTERS DISTRICT OF NORTH CAROLINA,
Raleigh, August 4, 1870.

MAJOR: On the 2d instant I reported to you by telegraph my arrival at this place stated that at present all was quiet, and that I would report more fully when I had become better acquainted with the condition of affairs.

I inclose herewith a copy of district orders No. 1, from which it will appear that existing orders will be continued in force until further instructions are given.

The chief justice of the supreme court of this State has refused an application to enforce the writs of habeas corpus issued by him in the cases of prisoners held by the military authorities of the State under the orders of the governor.

This averts for the present the likelihood of conflict between the executive and judiciary. There are other ~~notes contemplated~~ which may occasion more bitter feeling, and perhaps lead to resistance, but my impression is that if the State forces act with reasonable discretion violence will not result.

If the prisoners, however, instead of being turned over to the civil authorities, are tried by military courts, convicted capitally, and ordered for execution, (the course which is threatened,) it is not unlikely that resistance will be offered; it may be by the civil authorities, or, if not by them, then by the people.

Under these circumstances, or indeed under any circumstances growing out of the declaration of martial law by the governor of the State the question of interference by United States troops is a grave one. If called upon, prompt action, inconsistent with the delay necessary to receive the President's orders, may be required to prevent bloodshed.

Additional instructions to those contained in the circular of March 4, 1870, from headquarters Department of Virginia, seem necessary.

These instructions have in view two cases: 1. That of *insurrection* against the government of a State. 2. When troops are called upon by marshals or sheriffs to assist in executing "lawful precepts" issued to them by "competent authority."

To authorize action by United States troops in the first case, it would seem to be necessary that the insurrection should be officially recognized, and the insurgents commanded by proclamation from the President to disperse and retire peaceably to their homes. (Act approved February 28, 1795, section 3.)

No such official recognition has yet been proclaimed, and I doubt whether the United States troops could, under *these instructions alone*, be employed on the demand of the governor to act in support of the State troops in case of conflict between them and the alleged insurgents, growing out of the declaration of martial law.

I believe that Governor Holden expects such support, and that commanding officers may consider it their duty to give it, and I have to request, therefore, that I may be informed specially whether, in case of such demand, troops shall be furnished to aid the State troops, or whether their duties shall be limited to "preserving the peace" by interfering between the parties. The effect of such interposition might be to prevent the governor from carrying out his measures to suppress the "insurrection."

The second case contemplated by the circular of March 4, 1870, is that in which the marshal or sheriff may command the service of troops in executing "lawful precepts" issued by "competent authority," that is, as I understand it, by the courts.

Under ordinary circumstances no difficulty would arise, but the proclamation by the

CONDITION OF AFFAIRS IN THE SOUTHERN STATES. LXXVII

governor of an insurrection existing in certain counties makes it necessary that the duties of the United States troops should be more exactly prescribed, for it is not impossible that the courts and State troops may be at issue. The governor, it is understood, intends to try his prisoners by military commission; the chief justice affirms that this would not be lawful, but that they should be turned over to the civil authorities for trial. Should the military courts convict capitally, execution be ordered by the governor, and a conflict of the civil authorities result, the United States troops may be called upon by the governor to support those of the State in carrying out the sentence, and by the marshal or sheriff, under a precept from the courts, to prevent such execution.

Such a result is not, perhaps, very likely, but it is by no means impossible, and if instructions are issued in advance, it might prevent measures being pushed to extremity by either party. In the present condition of affairs in the State, an unforeseen accident may lead to collision, and every possible precaution should be taken to prevent such, or to warn either party of the extent to which aid would be furnished or denied in contingencies which can be anticipated. It is my opinion that Governor Holden will not go beyond the point at which he would cease to have the support of the United States troops.

I inclose herewith a copy of a letter received by Captain Frank from Captain Rodney commanding at Yanceyville, which exhibits the condition of affairs at that place as viewed by an officer who is considered to be of good judgment.

Respectfully submitted for the consideration of the commanding general.

HENRY J. HUNT,

Colonel Fifth Artillery.

Major CHAUNCEY MCKEEVER,

Assistant Adjutant General Department of the East.

A a

CAMP OF COMPANY D, FOURTH ARTILLERY,

Yanceyville, N. C., July 30, 1870.

COLONEL: Your letter of the 28th came to hand a few moments ago. I wish to inform you officially that I have made due investigation, and that there is no possible chance of there being a collision between the State troops and citizens. Colonel Kirk, who is in command of the militia, appears to fear an attack, and has made great preparations for defense by barricading the court-house, doubling his guard, and posting a strong force of pickets; and his whole cause for alarm is some foolish reports given by negroes. For example, on Sunday last some one reported to Colonel Kirk that a certain Captain Graves, of Danville, Va., (who is visiting here for the purpose of protecting his brother's wife,) had a force of 200 mounted men concealed in the woods near here, and was going to attack him (Kirk) in the evening. The long-roll was immediately sounded, all his men forbidden to leave the court-yard, all powder and shot in the groceries taken possession of by Kirk's order, and the captain arrested and brought before Kirk. Captain Graves denied the charge, and wished to have his accusers brought before him, but the man had decamped, and Kirk released the captain, but did not relax his vigilance.

On Wednesday, when a man named Williamson tried to serve some writs on Kirk, the long-roll was sounded, and all citizens ordered to leave the public square under penalty of being fired into. I think there were exactly four men present. I do not hesitate to assure you that there is no fear of any disturbance between the citizens and military unless Kirk provokes them to it, and it seems to me he has been endeavoring to do so ever since he has been here. I have done all in my power to keep the people quiet, so far as moral influence would go, and have done my best to keep myself and command entirely separate and distinct. The people have called upon me frequently for advice, and I have uniformly advised them to keep cool and not to say or do anything that would displease or exasperate the commanding officer of the State troops. There is to be a political meeting to-day, and I will not allow any member of my command to leave camp until the people have dispersed.

When I wrote my letter of the 19th I did not understand my orders, but your letter of the 28th makes my duty plain to me now, and I will follow your orders strictly and to the letter. On several occasions I have had to explain my position and orders, first when the deputy sheriff called on me, (after the sheriff's arrest,) and also when a gentleman named Williamson called, saying he was deputized by the supreme court of the State to serve writs on Colonel Kirk, and when Kirk refused to see him, he wanted me to serve them for him; so I explained my position to him, and told him my duty was to aid the civil authority, and I could not and would not have anything to do with the affair, as the executive was recognized as the head of the civil authority, and Colonel

LXXVIII CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

Kirk was acting under his orders. In regard to Ku-Kluxism I know very little, save that I have not been able to find any one, black or white, that has ever seen one, but only heard of them; but Colonel Kirk tells me he has plenty of evidence to trace outrages that have been committed to such an organization. What the outrages are, or when they have been committed, is a mystery to me as yet.

Very respectfully, your obedient servant,

GEO. B. RODNEY,
Captain Fourth Artillery, Brevet Major United States Army,
Commanding Company D.

Brevet Lieutenant Colonel R. T. FRANK,
Captain Eighth Regiment of United States Infantry,
Commanding United States Forces in North Carolina, Raleigh, N. C.

B.

RALEIGH, N. C., September 11, 1870.

SIR: The undersigned, a deputation from the colored people of Newberry, South Carolina, to visit North Carolina to ascertain the truth or falsity of certain rumors in regard to the treatment of colored people since the August election, have learned that you have been here some weeks in your official capacity, and relying entirely upon the correctness of your observations and impressions, beg, respectfully, that you will reply to the following inquiries:

1st. Is it true or false that since the August elections in this State the colored people are compelled to carry passes about with them in order to secure their protection?

2d. Is it true or false that colored people are now whipped at the whipping-post?

3d. Is it true or false that the rights of the colored people, as secured by law, are ignored in this State by the white people?

4th. Is it true or false that the public schools are closed against the colored people?

5th. Have you any reason to fear or believe, from your intercourse with the people, that the whites, or the conservatives and democrats, have any purpose or design to attempt to interfere with or abridge any of the rights and privileges of the colored people now secured to them by the Constitution and the laws?

A plain answer will much oblige your obedient servants,

HOSEA WYNN, a Democrat.
CABEY DAVIDS, a Republican.

General HUNT,
Commanding United States Forces in North Carolina.

C.

HEADQUARTERS DISTRICT OF NORTH CAROLINA,
Raleigh, September 11, 1870.

GENTLEMEN: I have the honor to acknowledge the receipt of your note of yesterday's date, informing me that you have been deputed by the colored people of Newberry, South Carolina, to ascertain the truth or falsity of certain rumors with regard to the treatment of colored people in this State since the election in August, and asking me to reply to certain questions which you propose. To those questions I reply as follows:

Question 1st. "Is it true or false that since the August election in this State the colored people are compelled to carry passes about them in order to secure their protection?"

Answer. I have never heard of a colored person being compelled to carry such pass, nor do I believe that they have been compelled to do so.

Question 2d. "Is it true or false that colored people are now whipped at the whipping-post?"

Answer. I have not heard of such a case, nor do I believe that one has occurred.

Question 3d. "Is it true or false that the rights of the colored people, as secured by law, are ignored in this State by the white people?"

Answer. To the best of my knowledge, it is not true.

Question 4th. "Is it true or false that the public schools are closed against the colored people?"

Answer. It is not true. Schools are not established over the whole State, but they are being established as rapidly as practicable. The only distinction between white and colored people is that there are separate schools for the two colors. But the character of the schools is the same, and it is the testimony of all with whom I have

CONDITION OF AFFAIRS IN THE SOUTHERN STATES. LXXXIX

conversed upon the subject that there is no disposition to deprive, in any manner, colored children of the advantages of public schools. On the contrary, the desire of both political parties is to give them equal advantages with white children.

Question 5th. "Have you any reason to fear or believe, from your intercourse with the people, that the whites, or conservatives and democrats, have any purpose or design to attempt to interfere with, or abridge any of the rights of the colored people now secured to them by the Constitution and the laws?"

Answer. I have not. From my intercourse with gentlemen of both political parties, I have been impressed with the conviction that it is both the desire and intention to respect the rights of the colored people, and to give them such further security for their rights as circumstances may show to be necessary.

I will add that I came to this State but a few days before the election; that immediately after the result was known, numerous colored people applied to Army officers for employment which would enable them to leave the country with the troops, as they were afraid they would be ill-treated, and perhaps reduced to slavery again. I believe this fear has worn off, and those who were alarmed on the subject now feel safe.

Respectfully, your obedient servant,

HENRY J. HUNT,

Major General U. S. A., Colonel Fifth Artillery, Commanding.

Messrs. HOSEA WYNN, CASEY DAVIDS.

D.

HEADQUARTERS DISTRICT OF NORTH CAROLINA,
Raleigh, August 10, 1870.

MAJOR: I have the honor to transmit herewith a report from Captain F. G. Smith, Fourth Artillery, commander at Ruffin, Rockingham County, about twelve miles from Yanceyville, the county seat of Craven. Special reports have not yet been received from Yanceyville, Roxborough, or Graham, but, so far as known, everything is quiet and no disturbances are reported in the insurrectionary counties, nor about here.

Writs of habeas corpus have been issued by the United States Judge Brooks in the cases of the prisoners held by Colonel Kirk, at Yanceyville. It is understood that Colonel Kirk will refer the matter to the governor for instructions, and that the prisoners will not probably be delivered up unless United States troops enforce the writs. If satisfactory returns are not made, or if there is refusal to produce the prisoners, I expect to be called upon by the Federal marshal for aid. I have not thought it expedient to broach the matter to the governor before I am called upon by the marshal, but I believe that the prisoners would be delivered up on my demand. I will telegraph for instructions, unless I receive directions in advance what to do. Of course I will not act until the marshal has endeavored to execute the writs without military aid.

I sent you by to-day's mail a copy each of the Standard and the Sentinel, organs of the two political parties of the State. The grounds on which Judge Brooks is understood to have issued his writs are stated in the Sentinel, in which paper I have marked two articles referring to the subject.

An article respecting the State troops will be found in the Standard. There is fear among the colored people, since the results of the election were made known, that they are to be subjected to persecution, and even reduced to slavery again. This feeling would soon die out if no effort was made to create it or to keep it alive where it already exists, and the agitation of the subject is most mischievous.

That there is a general feeling of uneasiness in this community, due to this idea on the part of the negroes, and on the part of the whites to the presence of State troops, and especially to the black troops, is certain.

The latter are full of the idea that they are in constant danger from the "Ku-Klux," and this has led to serious mischief, as will be seen from the reports of the shooting of Private Bradley, Battery A, Fourth United States Artillery, which were forwarded to you to-day. Their presence is thus shown to be a source of positive danger, from the mode of performing their duties, and this, with the excitement among them and other colored people, about the possible effect of the election, causes uneasiness among many of the white citizens, so that as long as this force is kept up there will, I believe, be a general desire that United States troops should remain here.

Respectfully submitted for the information of the general commanding.

HENRY J. HUNT,

Major General United States Army, Colonel Fifth Artillery, Commanding.

Major CHAUNCEY McKEEVER,

Assistant Adjutant General, Department of the East, New York City.

LXXX CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

D d.

HEADQUARTERS STATION OF RUFFIN,
Rufin, August 8, 1870.

SIR: I have the honor to report for the information of the post commander, that since my arrival here on the 29th ultimo, when I found an exciting political contest going on among the citizens of the vicinity, which was prosecuted with vigor by both parties until election day, the 4th instant, not a single case of riot or disturbance has been brought to my notice up to this time.

I am informed by all persons with whom I have conversed on the subject, that no political campaign here has ever been conducted with more order than that so recently concluded. The disposition to assist and submit to the civil authorities seems general. How far the presence of troops contributes to this feeling I am unable to say; but the present sheriff of the county, a republican, informs me that he has always been able to make arrests and exercise all the functions of his office without let or hindrance.

Very respectfully, your obedient servant,

FRANK G. SMITH,
Captain Fourth Artillery, Commanding.

First Lieutenant J. W. POWELL,
Adjutant, Post of Raleigh, Raleigh, North Carolina.

E.

RUFFIN, NORTH CAROLINA, *August 14, 1870.*

LIEUTENANT: The condition of affairs in Yanceyville is beginning to be serious, the North Carolina State troops under Colonel Kirk being nothing more than an armed mob, and the more generally exasperated at the present condition. I have fears of an outbreak. Colonel Kirk is either endeavoring to create a disturbance between the people, or my men and his own troops, in order to justify his recent conduct. His men roam round the country, and pillage and insult the people with impunity, and some threaten to attack my men. Last night one of my men, without previous provocation, was struck with a stone by one of the militia; and since my company has been reduced both officers and men have been subjected to insults, and now the feeling is so strong that, in my opinion, nothing but a strong force of United States troops will preserve the peace.

The militia threaten to burn the town of Yanceyville when they leave, and unless there is a strong force of United States troops there when they are disbanded nothing will prevent them.

I wish to state that I make this report after due reflection, and am convinced that reinforcements should be sent to Yanceyville immediately. Please reply, by telegram, to Pelham, as soon as possible. I will wait there for answer.

I am, sir, very respectfully, your obedient servant,

GEO. B. RODNEY,
Captain Fourth Artillery, Commanding Company D.

Lieutenant J. W. POWELL,
*Eighth Regiment of Infantry, A. A. A. General,
District of North Carolina, Raleigh, N. C.*

P. S.—I shall be ready to-morrow, on receipt of order to that effect. A man will be at the Pelham station until a dispatch is received.

FRANK G. SMITH.

Mem.—I telegraphed immediately, ordering Captain Smith to Yanceyville.

H. J. H.

F.

HEADQUARTERS STATION OF YANCEYVILLE, N. C.,
Yanceyville, August 16, 1870.

SIR: I have the honor to report the arrival of my company (H, Fourth Artillery) at this station, the movement having been made in obedience to your telegraphic order of yesterday.

Colonel Kirk, with two hundred of his men and all his civilian prisoners, marched hence, very quietly, for Company's Shops, a station on the North Carolina railroad, at 5 p. m. yesterday, leaving a small force in the court-house, with a major in command.

CONDITION OF AFFAIRS IN THE SOUTHERN STATES. LXXXI

Unless the whole force of militia should return to Yanceyville, no more troops will be required here. All is quiet now.

Very respectfully, your obedient servant,

FRANK G. SMITH,

Captain Fourth Artillery, Commanding.

First Lieutenant J. W. POWELL,

[A. A. A. G., District of North Carolina, Raleigh, N. C.]

[IN THE SENATE OF THE UNITED STATES, December 16, 1870.]

Resolved, That the President be requested to communicate to the Senate all information that he may possess relative to organized bodies of disloyal and evil-disposed persons in the State of North Carolina, which have in view or threaten resistance to the execution of the laws of the United States, or denial to the citizens of the United States of the equal protection of the laws and the free enjoyment of the rights and liberties secured to them by the Constitution; and also what murders and outrages for political purposes have been committed by such organizations of disloyal persons.

Attest:

GEO. C. GORHAM,

Secretary.]

[Indorsement.]

ADJUTANT GENERAL'S OFFICE,

Washington, December 20, 1870.

Official copy, [respectfully referred, through headquarters Military Division of the Atlantic, to the commanding general of the Department of the East for report.

By command:

E. D. TOWNSEND,

Adjutant General.

HEADQUARTERS DEPARTMENT OF THE EAST,

New York, December 24, 1870.

Official copy, respectfully referred to Captain George B. Reaney, Fourth Artillery, for a full report on the matters within referred to.

By command of Brigadier General McDowell.

C. McKEEVER,

Assistant Adjutant General.

FORT MCHENRY, MD., January 1, 1871.

Respectfully returned to headquarters of the Department of the East. I know nothing whatever of the matters within referred to.

GEO. B. RODNEY,

Captain Fourth Artillery.

BROOKLYN, NEW YORK, January 9, 1871.

MAJOR: In compliance with indorsement from department headquarters of December 24, 1870, I have the honor to make the following report upon affairs in North Carolina, referred to in the resolution of the Senate of the United States of December 16, 1870.

I commanded the post of Raleigh, North Carolina, from the 1st of May, 1870, until the latter part of October. Civil law having been restored in North Carolina, my duties in relation to the civil authorities, as commanding officer of the military post of Raleigh, consisted of giving such assistance when called upon by them as is authorized by the Constitution and laws of the United States. I was not in position, therefore, to become officially advised of the difficulties and obstacles to the enforcement of the laws of the United States, or of the outrages and murders committed upon citizens, except when called upon by the civil authorities for military aid in the enforcement of civil law. In two instances I furnished the United States marshal with a military force to aid him in making arrests. In one instance it was for resistance to the en-

LXXXII CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

forcement of the revenue laws of the United States, and in the other to arrest a party of twelve men charged with banding together, and shooting several times a colored man for political reasons. The arrests were made of nine of them, and a hearing before the United States commissioner resulted in four of those being held to bail for their appearance before the United States court. Application was made in other similar cases for military aid, but it was not furnished, because the marshal did not present the necessary evidence of his inability to make the arrests by the ordinary civil means. I afterward learned from the marshal that he did not make those arrests until he obtained a military force from the State authorities. He claimed that he was unable to make arrests in these cases, because of the organized bands of the Ku-Klux Klan, which it was alleged existed in many parts of the State of North Carolina, and by whom these outrages were committed; that the notoriety of their murderous operations and atrocious character were the only evidence he could present of the necessity for a military force; and sufficient to deter him from an effort to arrest them without it. It was generally conceded, I think, by all parties, that such bands or organized bodies did exist in many parts of the State, though their purpose is differently stated; by some to counteract the effects of an organization known as Loyal League; by others to protect the whites against the negroes, by summarily punishing outrages committed by the latter upon the whites; and by others, still, to promote the interests of the democratic party. I think it, in a measure, undertakes all those offices. There were a great many murders and other outrages attributed to them for political purposes, notably that of a State senator, Stevens, of Caswell County. There appeared to be no other assignable reason for his murder.

Having no records or data before me, I am unable to make my report upon this subject as full or precise as I otherwise could.

Very respectfully, your obedient servant,

ROYAL T. FRANK,

Captain First Artillery, late commanding post of Raleigh.

Major C. McKEEVER,

Assistant Adjutant General, Department of the East, New York City.

EXECUTIVE DEPARTMENT, STATE OF NORTH CAROLINA,
Raleigh, May 9, 1870.

Sir: The organization known as the "Ku-Klux Klan" have committed many acts of violence in Orange, Alamance, Chatham, Moore, Caswell, and other counties of this State.

Colonel Hayman, the former commandant of this post, had a full company at the town of Graham, in Alamance County, but this force has been withdrawn by the late order. It is very important for Alamance and Caswell, the counties now most infested with this secret armed organization, that troops should be retained at Grakam, with instructions to detail a squad for the town of Yanceyville, in Caswell County.

I am glad to be able to state that these excesses are abating; but the most effectual mode to fully extinguish them is to place Federal troops in certain localities. The fear of the national power is such that a course of this kind will command the peace, and enable the civil officers of the State to execute legal process, and thus bring offenders to justice.

I trust the matter will meet your favorable consideration.

I have the honor to be, very respectfully, your obedient servant,

W. W. HOLDEN, *Governor.*

F. S.—I have no objection to leaving the detachments to be sent to the discretion of Colonel Frank, the commandant at this post.

W. W. HOLDEN, *Governor.*

A true copy:

C. McKEEVER,
Assistant Adjutant General.

Major General IRWIN McDOWELL,

Commanding Department of the East, New York.

STATE OF NORTH CAROLINA, ADJUTANT GENERAL'S OFFICE,
Raleigh, November 7, 1870.

MAJOR: By direction of Governor Holden, I have the honor to request that a detachment of Federal troops, (at least fifty men,) be sent to Robeson County, to aid the civil authorities in the execution of the law, and in giving protection to life and property.

By order of his Excellency I have recently visited that county, and found the condition of affairs truly alarming.

CONDITION OF AFFAIRS IN THE SOUTHERN STATES. LXXXIII

The civil law is openly set at defiance by a gang of desperadoes, who rob and murder very much at their own pleasure. They have gone so far as to lay plans for stopping and robbing the mail train, which passes through a tangled swamp in that county.

The census taker informed me he dare not visit certain townships for the purpose of completing his report. He is a magistrate, and has endeavored to bring to justice persons accused of murder. The citizens have become so alarmed and enraged that they have turned out and killed one, and wounded others *accused* of being in sympathy with the gang aforementioned, when, upon further investigation, they find the innocent have suffered.

From the fact that the outlaws and their victims belong to different races, it has given rise to so much of political feeling that there is no hope of peace except through the interference of the United States troops, whose presence all parties unite in soliciting. The power of the State has become exhausted.

The sheriff of the county said he could not arrest the felons, or prevent more innocent blood from being shed. The magistrates decline to act further until they receive protection.

The presence of Federal troops will intimidate the guilty and encourage the timid to aid in the support of the laws.

I have the honor to be, very respectfully, your obedient servant,
A. W. FISHER, *Adjutant General.*

P. S.—If necessary, the governor directs me to say that the troops at Graham better be sent to Robeson County than to remain at Graham.

A. W. FISHER, *Adjutant General.*

A true copy:

C. McKEEVER,
Assistant Adjutant General.

Major F. G. SMITH, U. S. A.,
Commanding Post, Raleigh, N. C.

(Circular.)

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Richmond, Va., March 4, 1870.

The following instructions from the headquarters of the Army are republished for the information of post commanders and for their guidance in all cases where they may be called upon by the civil authorities for military interposition to preserve the peace or for troops to assist in the execution of civil process:

HEADQUARTERS OF THE ARMY,
ADJUTANT GENERAL'S OFFICE,
Washington, August 10, 1869.

GENERAL: The following instructions from the Secretary of War are furnished for your government:

To the end that the necessary aid may be rendered by the United States as promptly as possible in any case of insurrection or domestic violence in the States embraced in your military department, you will keep yourself informed of the condition of affairs in said States, and communicate promptly by telegraph to the War Department, through the headquarters of the Army, any facts which may make it the duty of the President, under the Constitution and laws, to employ the military force of the United States.

You will also maintain such disposition of the troops under your command that they may be ready to act without delay upon receipt of the President's orders, stationing them at, or from time to time moving them to, points where you may have reason to apprehend a necessity for their use.

The following extracts from the Constitution and laws of the United States indicate the conditions under which the military force of the United States may be lawfully employed to suppress insurrection against the government of any State:

Constitution, Article IV, Section IV.—The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive, (when the legislature cannot be convened,) against domestic violence.

Act of Congress approved February 28, 1795, Section 1.— " * * * * *"
And in case of an insurrection in any State against the government thereof, it shall be lawful for the President of the United States, on application of the legislature of such State, or of the executive, (when the legislature cannot be convened,) to call forth such number of the militia of any other State or States, as may be applied for, as he

LXXXIV CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

may judge sufficient to suppress such insurrection. And section 3: *Provided always, and be it further enacted*, That whenever it may be necessary, in the judgment of the President, to use the military force hereby directed to be called forth, the President shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective abodes within a limited time.

Act of Congress approved March 3, 1870.—Be it enacted, &c., That in all cases of insurrection or obstruction of the laws, either of the United States or of any individual State or Territory, where it is lawful for the President of the United States to call forth the militia for the purpose of suppressing such insurrection, or of causing the laws to be duly executed, it shall be lawful for him to employ, for the same purposes, such part of the land or naval force of the United States as shall be judged necessary, having first observed all the prerequisites of the law in that respect.

By command of General Grant :

E. D. TOWNSEND,
Assistant Adjutant General.

Brevet Major General R. C. BUCHANAN, U. S. A.,
Commanding Department of Louisiana, New Orleans, La.

HEADQUARTERS OF THE ARMY,
ADJUTANT GENERAL'S OFFICE,
Washington, August 25, 1868.

GENERAL: In reply to your request for instructions relative to the use of the troops under your command in aid of the civil authorities, the Secretary of War directs to be furnished for your information and government the inclosed copies of a letter of instructions to Brevet Major General Buchanan, commanding Department of Louisiana, dated August 10, 1868, and of a letter from the Attorney General of the United States to Alexander Magruder, esq., United States marshal northern district of Florida, dated August 20, 1868.

The letter to General Buchanan indicates the conditions under which the military force of the United States may be employed to suppress insurrection against the government of any State, and describes the duties of the department commander in reference thereto.

The letter of the Attorney General sets forth the conditions under which the marshals and sheriffs may command the assistance of the troops in their respective districts or counties to execute lawful precepts issued to them by competent authority.

The obligation of the military, (individual officers and soldiers,) in common with all citizens, to obey the summons of a marshal or sheriff, must be held subordinate to their paramount duty as members of a permanent military body. Hence the troops can act only in their proper organized capacity, under their own officers, and in obedience to the immediate orders of those officers. The officer commanding troops summoned to the aid of a marshal or sheriff must also judge for himself, and upon his own official responsibility, whether the service required of him is lawful and necessary, and compatible with the proper discharge of his ordinary military duties, and must limit his action absolutely to proper aid in execution of the lawful precept exhibited to him by the marshal or sheriff.

If time will permit, every demand from a civil officer for military aid, whether it be for the execution of civil process or to suppress insurrection, should be forwarded to the President, with all the material facts in the case, for his orders; and in all cases the highest commander whose orders can be given in time to meet the emergency will alone assume the responsibility of action.

By a timely disposition of troops where there is reason to apprehend a necessity for their use, and by their passive interposition between hostile parties, danger of collision may be averted. Department commanders, and in cases of necessity their subordinates, are expected, in this regard, to exercise upon their own responsibility, a wise discretion, to the end that in any event the peace may be preserved.

By command of General Grant :

J. C. KELTON,
Assistant Adjutant General.

Major General GEORGE G. MEADE, U. S. A.,
Commanding Department of the South, Atlanta, Georgia.

HEADQUARTERS OF THE ARMY,
ADJUTANT GENERAL'S OFFICE,
Washington, August 25, 1868.

GENERAL: In addition to the instructions furnished you from this office on the 10th of August, 1868, the Secretary of War directs that your attention be called to the

CONDITION OF AFFAIRS IN THE SOUTHERN STATES. LXXXV

Inclosed copy of a letter from the Attorney General of the United States to Alexander Magruder, esq., United States marshal northern district of Florida, dated August 30, 1868, setting forth the conditions under which the marshals and sheriffs may command the assistance of the troops in their respective districts or counties, to execute the lawful precepts issued to them by competent authority.

The obligation of the military, (individual officers and soldiers,) in common with all citizens, to obey the summons of a marshal or sheriff, must be held subordinate to their paramount duty as members of a permanent military body. Hence the troops can act only in their proper organized capacity, under their own officers, and in obedience to the immediate orders of those officers. The officer commanding troops summoned to the aid of a marshal or sheriff must also judge for himself, and upon his own official responsibility, whether the service required of him is lawful and necessary, and compatible with the proper discharge of his ordinary military duties, and must halt his action absolutely to proper aid in execution of the lawful precept exhibited to him by the marshal or sheriff.

If time will permit, every demand from a civil officer for military aid, whether it be for the execution of civil process or to suppress insurrection, should be forwarded to the President, with all the material facts in the case, for his orders; and in all cases the highest commander whose orders can be given in time to meet the emergency will alone assume the responsibility of action.

By a timely disposition of troops where there is reason to apprehend a necessity for their use, and by their passive interposition between the hostile parties, danger of collision may be averted. Department commanders, and in cases of necessity their subordinates, are expected, in this regard, to exercise upon their own responsibility a wise discretion, to the end that in any event the peace may be preserved.

By command of General Grant:

J. C. KEITON,
Assistant Adjutant General

Brevet Major General R. C. BUCHANAN,
Commanding Department of Louisiana, New Orleans, La.

WAR DEPARTMENT,
Washington City, September 14, 1868.

GENERAL: Your communication of September 1, inclosing, for the information of the President, a communication from the governor of Louisiana, making application for troops, and your reply thereto, and a copy of your circular No. 2, of September 1, have been received.

The peculiar condition of the Southern States at this time renders it necessary for the Army to do all that the laws allow for the preservation of peace.

The mere presence of troops is generally sufficient to prevent a serious breach of the peace.

As it is generally lawful and proper for the military commander to send his troops wherever he may apprehend a necessity for their use, it is much better thus to prevent such necessity than to wait until it has actually arisen.

It is the wish of the President that you exercise within the limit of your lawful authority full discretion in your action, to the end that in any event peace may be preserved.

I am, very respectfully, your obedient servant,

J. M. SCHOFIELD,
Secretary of War.

Brevet Major General BUCHANAN,
Commanding Department of Louisiana.

EXECUTIVE OFFICE,
Washington, D. C., October 31, 1868.

Brevet Major General LOVELL H. ROUSSEAU,
Commanding the Department of Louisiana, New Orleans:

You are expected and authorized to take all legitimate steps necessary and proper to prevent breaches of the peace or hostile collisions between citizens. Questions relating to the civil polity of the State must be left to the proper civil authorities for consideration and settlement. The object is to preserve peace and restore civil government to the people, according to the principles laid down in the Constitution.

LX CXVI CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

You are referred to instructions heretofore given, which are deemed full and ample for all just and lawful purposes.

Transmitted by command of General Grant. Acknowledge receipt.
ANDREW JOHNSON.
E. D. TOWNSEND,
Assistant Adjutant General.

By command of Brevet Major General Cauby:
LOUIS V. CAZIARC,
Aid-de-Camp, Acting Assistant Adjutant General.
Official:
Aid-de-Camp.

[Telegram.]

HEADQUARTERS DEPARTMENT OF THE EAST,
New York City, May 10, 1870.

COMMANDING OFFICER UNITED STATES ARMY,
Post of Raleigh, North Carolina:

Hold a company in readiness to proceed to Graham for temporary duty at that place. The instructions heretofore given your predecessor from the headquarters Department of Virginia will be sent you from Richmond. You will conform to them.

You are not to use United States troops as a police force, but to act solely in aid and in subordination to the civil authority, and to act thus only when so ordered from department headquarters, save in cases of extreme emergency not admitting of sufficient delay to communicate by telegraph.

Acknowledge receipt.
By command of Brevet Major General McDowell:
C. McKEEVER,
Assistant Adjutant General.

Official:
C. McKEEVER,
Assistant Adjutant General.

[Telegram.]

HEADQUARTERS DEPARTMENT OF THE EAST,
New York City, May 12, 1870.

COMMANDING OFFICER POST OF RALEIGH, North Carolina:

Order one of the companies now at Raleigh to proceed to and take post temporarily at Graham, Alamance County, North Carolina.

Give the officer commanding it, for his government, a copy of the orders and instructions you will receive from Richmond, and a copy of the orders given you by telegraph from these headquarters.

See that the detached company is supplied from Raleigh.
Acknowledge receipt, and report action in pursuance hereof.

By command of Brevet Major General McDowell:
C. McKEEVER,
Assistant Adjutant General.

Official:
C. McKEEVER,
Assistant Adjutant General.

[Telegram.]

HEADQUARTERS DEPARTMENT OF THE EAST,
New York City, May 13, 1870.

Governor W. W. HOLDEN, Raleigh, North Carolina:

Your letter received. Am authorized to send a company to Graham, and orders have been sent to commanding officer at Raleigh accordingly.

IRVIN McDOWELL,
Direct Major General, Commanding Department.
Official:
C. McKEEVER,
Assistant Adjutant General.

CONDITION OF AFFAIRS IN SOUTHERN STATES. LXXXVII

HEADQUARTERS DEPARTMENT OF THE EAST,
New York City, June 6, 1870.

COLONEL: Referring to your indorsement of the 24th ultimo, in the communication of the adjutant general of the State of North Carolina, (General O. W. Foster,) requesting that a detachment of troops might be sent to Caswell County, I am instructed by the department commander to say that if, on consultation with the State authorities at Raleigh, you are satisfied that troops are more needed in Caswell County than at Raleigh, you will send your company to that county, retaining the detachment of the Fourth Artillery at the post of Raleigh.

You will give the officer in command of your company instructions such as have heretofore been given to the officer in command of the troops at Graham.

Very respectfully, your obedient servant,

C. McKEEVER,
Assistant Adjutant General.

Brevet Lieutenant Colonel ROYAL T. FRANK,
Captain Eighth U. S. Infantry, commanding post of Raleigh, N. C.

Official:

C. McKEEVER,
Assistant Adjutant General.

(Telegram.)

HEADQUARTERS DEPARTMENT OF THE EAST,
New York City, June 22, 1870.

Colonel FRANK, Commanding at Raleigh, North Carolina:

Comply with all requisitions of United States marshal and district attorney for troops to enforce United States laws. Make detailed report of circumstances, so that proper judgment can be formed of the necessity for United States civil officers requiring military aid.

By command of Brevet Major General McDowell.

JOHN H. COSTER,
Brevet Captain U. S. Army, Aide-de-Camp.

Official:

C. McKEEVER,
Assistant Adjutant General.

HEADQUARTERS DEPARTMENT OF THE EAST,
New York City, July 13, 1870.

COLONEL: In reply to your communication of the 11th instant, reporting the circumstances connected with the detail by you of a military force to aid the United States marshal in arresting certain persons charged with violating section 8 of the act approved May 31, 1870, and inclosing a copy of your instructions on the subject to First Lieutenant J. W. Powell, Eighth Infantry, I am directed by the department commander to say that the instructions are considered well drawn and sufficient for the purpose.

I am further directed to say that you did right in referring the question to department headquarters, if the case was such as to admit of the delay this would require. The telegram of the 7th was sent under the impression that the case did not admit of such delay.

The printed circular from Richmond will be the rule to follow.

Very respectfully, your obedient servant,

C. McKEEVER,
Assistant Adjutant General.

Brevet Lieutenant Colonel R. T. FRANK,
Captain Eighth U. S. Infantry, Commanding Post of Raleigh, N. C.

Official:

C. McKEEVER,
Assistant Adjutant General.

LXXXVIII CONDITION OF AFFAIRS IN SOUTHERN STATES.

[Telegram.]

HEADQUARTERS DEPARTMENT OF THE EAST,
New York City, July 18, 1870.

Brevet Lieutenant Colonel R. T. FRANK, U. S. A., *Raleigh, North Carolina :*

In reply to your telegram of the 15th instant, the department commander directs me to send you the following instructions received from division headquarters :

" When called upon by a United States marshal, or other competent civil authority, for troops to aid in the enforcement of the laws, instead of merely telegraphing that fact, the post commander should state all the circumstances connected with the application, and his opinion as to the propriety of furnishing the detail, as without these there is nothing on which the general can base intelligent action.

" The general is desirous the troops should only be employed when their services are imperatively necessary, and after the civil authorities have exhausted all other measures.

" In this instance there is no evidence the marshal made any effort to make the arrests previous to calling on the United States troops to aid him. Evidence of the marshal's inability to execute the process with which he is charged, or of resistance to the execution of such process, should precede, or at least be presented with the application for troops."

You will govern yourself accordingly. Acknowledge receipt.

C. McKEEVER,
Assistant Adjutant General.

Official :

C. McKEEVER,
Assistant Adjutant General.

[Telegram.]

HEADQUARTERS DEPARTMENT OF THE EAST,
New York City, July 25, 1870.

Brevet Colonel FRANK, *Eighth Infantry, Commanding Raleigh, North Carolina :*

Orders given to-day for three companies from Fort McHenry to proceed immediately to Raleigh, North Carolina. Make preparations for them.

When you telegraph hereafter in relation to any matter concerning the use of troops, give also always your opinion, as ordered from division headquarters.

What is your own judgment as to the need of troops to aid Colonel Kirk ?

What prisoners, made under the process of law, have there been made ? Where are they ? Be full and explicit ; I have no information except what is in the newspapers.

If the case is one in which, under the instructions given in circular from Richmond and orders from division headquarters, United States troops can be employed, and does not admit of delay, act according to your own judgment. Otherwise state the case fully for instructions.

IRVIN McDOWELL,
Brevet Major General, commanding Department.

[Telegram.]

HEADQUARTERS DEPARTMENT OF THE EAST,
New York City, July 27, 1870.

COMMANDING OFFICER, *Post of Raleigh, Raleigh, North Carolina :*

The following letter from headquarters of the Army is sent for your information and government :

Referring to telegram of 22d instant, directing that six companies of troops be sent to Raleigh, North Carolina, the General of the Army, in accordance with instructions from the President, directs that these troops be held in readiness to preserve the peace and enforce the laws in case their services should be required.

" E. D. TOWNSEND,
Adjutant General."

C. McKEEVER,
Assistant Adjutant General.

CONDITION OF AFFAIRS IN THE SOUTHERN STATES. LXXXIX

HEADQUARTERS DEPARTMENT OF THE EAST,
New York City, August 9, 1870.

COLONEL: I am directed by the department commander to inclose you a copy of a communication from Headquarters Military Division of the Atlantic, in reference to the services of the companies of artillery recently sent to North Carolina, and to say that, in accordance with the suggestions of the General of the Army, you will order the seven companies of artillery sent to North Carolina into camp, or dispose of them in such a manner that they can be withdrawn without attracting much notice.

Very respectfully, your obedient servant,

C. McKEEVER,
Assistant Adjutant General.

Colonel H. J. HUNT, Fifth U. S. Artillery,
Commanding District of North Carolina, Raleigh, North Carolina.

[Telegram.]

HEADQUARTERS DEPARTMENT OF THE EAST,
New York City, August 11, 1870.

Colonel HENRY J. HUNT, Fifth U. S. Artillery,
Commanding District of North Carolina, Raleigh, North Carolina:

The department commander directs me to send you for your information and government the following, received from division headquarters:

"HEADQUARTERS DIVISION OF ATLANTIC,
Philadelphia, August 10, 1870.

"General MCDOWELL, New York City:

"Major General Meade desires you to telegraph Colonel Hunt that his letter of the 4th instant has been sent to the Commander-in-Chief for special instructions. In their absence, in cases where his instructions do not clearly require his obeying calls from civil authorities, he will confine the use of the troops to preserving the peace, that is, preventing riot and bloodshed, regardless of the points of law involved.

"This morning's telegrams announce that writs of habeas corpus have been issued by the United States district judge, which it is hoped will transfer the conflict to a neutral and unprejudiced tribunal, and settle the question at issue without resort to force.

"R. C. DRUM,
Assistant Adjutant General."

Acknowledge receipt.

JOHN H. COSTER,
First Lieutenant, A. D. C., Acting Assistant Adjutant General.

HEADQUARTERS DEPARTMENT OF THE EAST,
New York City, November 29, 1870.

I am instructed by the department commander to acknowledge the receipt of your communication of the 24th instant, reporting the state of affairs in Robeson County, &c., and to say that you will govern yourself strictly according to the instructions contained in the circular dated Headquarters Department of Virginia, March 4, 1870, a copy of which was sent you on the 12th instant.

I am further directed to say that it is your duty to aid the civil authorities, not to supplant them, or do their duty in any respect. The arrests must be made under civil process, and by civil officers.

Very respectfully, your obedient servant,

C. McKEEVER,
Assistant Adjutant General.

Captain EVAN THOMAS,
Fourth United States Artillery, Commanding United States Troops,
Lumberton, Robeson County, North Carolina.

HEADQUARTERS DEPARTMENT OF THE EAST,
New York City, December 1, 1870.

CAPTAIN: I have the honor to acknowledge the receipt of your communication of the 29th ultimo, in reference to affairs in Robeson County, North Carolina, and am directed by the department commander to reply as follows:

You say: "The commander should have power to arrest whom he pleases on suspicion. The families of the robbers ought at least to be arrested;" and further, that if you are "kept here," [there] under the restrictions against infringement upon civil law, that as I am [you are] now, I [you] "can do very little toward ridding the country of the robbers and murderers;" that "a great many of the citizens have asked me [you] to take matters in my [your] hands, and seem willing to be partly under

XO **CONDITION OF AFFAIRS IN THE SOUTHERN STATES.**

martial law, if there is any chance of being freed from the midnight visits of those robbers."

I am instructed by the department commander to say that there is no warrant under our Government, and in time of peace, for any one to give you the power to arrest whom you please on suspicion, or, because it might facilitate the arrest of the guilty, to authorize you to arrest their, perhaps, innocent families.

More than that, he does not expect, or direct, or authorize you, as an officer of the Army, and of your *own motion*, to arrest any one whomsoever, but to do so only under the direction of the civil authority, and as a part of its posse. He cannot authorize you to place any portion of the State of North Carolina under martial law, even with consent of many, or indeed all the citizens. This is authority that can neither be assumed nor granted by any one in the military service. What you are responsible for, and all you are responsible for, is to conform strictly with the orders given you in the circular of March 4, 1870, from Headquarters Department of Virginia, which were reiterated in my letter of the 20th ultimo, and, as a captain in the Army, to keep your men in good condition, well cared for, well instructed, well disciplined, and always on hand, ready to do their duty as soldiers in the way and to the extent they may be ordered, and no further.

The department commander is thus explicit that you may not involve yourself or the service in any way that it would be impossible for him to support you. It is the civil authority that must take the initiative in the matter; you are to simply aid them in the way before ordered.

Very respectfully, your obedient servant,

C. McKEEVER,
Assistant Adjutant General.

Captain EVAN THOMAS,
*Fourth Artillery, Commanding Post of Lumberton,
Robeson County, North Carolina.*

Official copy:

E. D. TOWNSEND,
Adjutant General.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Richmond, Virginia, March 8, 1870.

SIR: I have the honor to transmit, for the information of the major general commanding the division, copies of several papers in relation to troubles that have already occurred, and others that are threatened in North Carolina.

The governor of that State, through his adjutant general, has to-day applied to me for troops to aid in the suppression of this attempted or anticipated insurrection, and has been advised that the authority for such employment of the troops must come from the President, upon the application of the legislature, if it be in session, and if not, upon the application of the governor; and that under existing laws and instructions, without such authority, nothing more could be done than to put the troops so as to give moral support to the civil authorities in the performance of their duties, and that they could not be used as a police force, or made to take the place of, or give active aid to, the civil authorities, except in such an emergency as would justify their being summoned and used as a part of the *posse comitatus*.

I do not find, in the reports which I have received, or in the statements made by the adjutant general of the governor, such a state of facts as would show that an insurrection exists, or is imminent. The organization of the Ku-Klux in Alamance and neighboring counties is no doubt formidable, and the outrages committed and threatened by them are horrible, but the presence of the troops sent to Graham ought to restore confidence, and inspire the civil authorities with some degree of energy and activity.

I have instructed Colonel Hayman to keep me constantly advised, by telegraph, of everything important that transpires, and will hold troops in readiness to move, if it should be necessary.

Very respectfully, your obedient servant,

ED. R. S. CANBY,
Brevet Major General United States Army, Commanding.

ASSISTANT ADJUTANT GENERAL,
Headquarters Military Division of the Atlantic, Philadelphia, Pennsylvania.

HEADQUARTERS MILITARY DIVISION OF THE ATLANTIC,
Philadelphia, Pennsylvania, March 11, 1870.

Respectfully forwarded to the Adjutant General of the Army, for the information of the General of the Army and the Secretary of War. General Canby has been informed that I concur in the views expressed in his letter.

GEO. G. MEADE,
Major General, Commanding.

CONDITION OF AFFAIRS IN THE SOUTHERN STATES. XCI

HEADQUARTERS OF THE ARMY,
Washington, D. C., March 15, 1870.

Respectfully submitted to the Secretary of War, for the orders of the President. General Canby has in his department one regiment of infantry and one of artillery. The mere posting of troops in a disaffected district may be enough, but the time may come when troops may have to use their arms, and the responsibility ought not to rest on the officer in immediate command.

W. T. SHERMAN,
General.

The Secretary of War directs that a few companies be sent to the district in instant reaction.

ED. SCHRIVER,
Inspector General.

MARCH 16, 1870.

HEADQUARTERS POST OF GRAHAM,
Graham, N. C., March 4, 1870.

COLONEL: I have the honor to report that I arrived here with detachment yesterday, at 4 o'clock p. m., and encamped about a quarter of a mile southeast of the town. I find the loyal people of this place in a high state of excitement, owing to recent and threatening outrages perpetrated by a band of outlaws styling themselves "Ku-Klux Klan." On Saturday night last a gang of about one hundred entered the town and took a mulatto man from his bed and hung him to a tree in the court-house square, and the lives of several others threatened. Several parties called upon me to-day and asked for a guard to protect them. One George Boon, residing at the Company Shops, about two and a half miles from this place, received a notice this morning warning him of the danger that he is in, which I herewith inclose. Mr. Boon is a respectable citizen, is in the employ of the railroad company, and postmaster at that place. He goes to Raleigh to-night to see the governor. Mr. Albright, a Justice of the peace of this place, and a Mr. Holt, also received notice that they would call for them on Saturday night to hang them, and for no offense other than their republican sentiments. A paper was pinned on the coat of the man that was hung, saying, "Beware, you guilty, both white and black!" Several parties, both white and black, have been cruelly whipped, and one white man, named John Overman, had his head shaved, and most shamefully whipped, and then threatened his life if he told of it. That with many other similar acts have never been reported to the authorities. Other parties knowing the facts did not dare report it for fear of being treated in the same manner. There is a meeting of the citizens of the county called to-morrow at this place, as they say, for the purpose of condemning and discontenancing the action of the mob on Saturday night. I am unable to say what effect the presence of troops may have upon them. It is my opinion that a large number of troops will be required in this vicinity to protect the loyal citizens from this organized band of outlaws.

It was first reported to me that the leader of the band, "K. K. K.," is in town; his name is Moore.

It is well known here that he is their leader, and yet he goes boldly about town, and no one dares to interfere with him. Many of the people here tell me that they are as well organized as our Army. No arrests have been made for any of the above-named offenses. This band of outlaws is said to be about 850 strong in this county. There was about 100 in the party that was here Saturday night. They all wear white gowns and paper hats, and are all masked; their horses are all dressed in white. I will advise you of all matters of importance as they occur.

Very respectfully, your obedient servant,

C. P. McTAGGART,
Lieutenant Seventeenth Regiment U. S. Infantry,
Commanding Detachment Seventeenth Infantry.

Colonel S. H. HAYMAN,
Commanding Post of Raleigh, Raleigh, N. C.

Official:

A. H. M. TAYLOR,
First Lieutenant Seventeenth Infantry, Post Adjutant.

Official copy

LOUIS V. CAZIARC,
Aide-de-Camp, Acting Assistant Adjutant General.

XCII CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

HEADQUARTERS POST OF RALEIGH, N. C.,
Raleigh, N. C., March 6, 1870.

SIR: I have the honor to forward herewith a copy of an official report received this date from Lieutenant C. P. McFaggart, Seventeenth Infantry, commanding sub-post of Graham, Alamance County, North Carolina, accompanied with the original inclosures.

In view of the disturbed condition of affairs throughout the State, and the urgent necessity which may soon arise to enforce martial law, I consider it my duty to make a special report of the condition of my command.

Company E, Seventeenth Infantry, is so reduced in numbers as to greatly impair its efficiency, while Company F is largely made up of recruits, who are without proper instruction; hence it will be seen that the garrison at the present time is scarcely competent to perform the duty likely to be required as above indicated.

The governor will probably declare martial law on the 7th instant, in Alamance County, and it is therefore, in my opinion, necessary to hold all the available troops in the department in readiness to move promptly.

I shall use as many troops from my post as can possibly be spared, but respectfully recommend that such additional force may be placed at my disposal as will enable me, when martial law is proclaimed, to arrest the criminals concerned in the murders and outrages in Alamance County, in case of resistance, which is fully anticipated.

I have the honor to be, sir, very respectfully, your obedient servant,

S. B. HAYMAN,
*Lieutenant Colonel Seventeenth Regiment Infantry,
Brevet Colonel U. S. A., Commanding Post.*

Official copy;

LOUIS V. CAZIARC,
Atac-de-Camp, and Acting Assistant Adjutant General.
First Lieutenant L. V. CAZIARC,
A. D. C. and A. A. A. G. Department of Virginia, Richmond, Va.

HEADQUARTERS POST OF GRAHAM,
Graham, N. C., March 6, 1870.

COLONEL: I have the honor to report the action of the Ku-Klux in this vicinity since my last report. They visited the Company Shops on Friday night, and went to the house of Mr. Boon, the gentleman whose life they threatened the night before; not finding him at home they went away without doing any damage. Mr. Boon returned from Raleigh this morning, and has just left this camp. He says he is afraid to go home. The meeting held here yesterday by the citizens did not amount to anything; there was quite a large gathering; their object was to denounce the action of the mob, or gang of outlaws, and to pass resolutions of that kind, and to have them published to make people think that this was only an individual case, so as to prevent any report of it; but after finding that it had been reported and troops already here, they talked the matter over outside of the court-house, and did not even call the meeting to order. Most of them either belonged to the gang or were their friends; the mass of them were very indignant at the sight of the soldiers. Moore, the leader of the gang, told Mr. Barham, a loyal man, that it was the fault of five men in this town, this case, that the d---d blue-coated sons of bitches were brought here. He managed to get in a fight with Mr. Barham before he left, and beat him very bad; the people tell me one of his legs is broken. I have not seen him since. I was told yesterday of several murders they had committed within the last few months, and none of them were reported to the authorities.

Two colored men came to me yesterday and told me that they had not slept in their own house for over a month, they having been taken out some time before and whipped. A few nights ago they left a coffin at Esquire McAdam's door, and fired three shots, and then rode off. They left a note on his gate, saying, "Beware, ye guilty!" also saying if the coffin did not fit they would bring him one on Friday night that would. I inclose one of their fine specimens that was put up on the door of the clerk's office in the court-house. The colored school is broken up and the teacher left town. They gave out notice yesterday that they would call in after one white man and one colored man to hang them. Many of the citizens thought they intended to attack the camp. We were up and under arms all night, praying that they might come; but morning came and no Ku-Klux. I have a sufficient force to keep them out of the town; but unless there are some steps taken to arrest them, they can go about the county committing depredations with impunity. It is my opinion that the only way they can be found out is through detectives and troops stationed at two or three different places, with instructions to fire upon and capture any gang of them they may see. I was at a loss last night whether to attack them, if they came in town and did not offer to molest me, or not; but I had made up my mind if any armed body of men came in disguise, whether peaceable or not, to arrest them; and if they refused to surrender, to fire on them,

CONDITION OF AFFAIRS IN THE SOUTHERN STATES. XCIII

knowing full well that they were a gang of outlaws. This gang never disturbs the peace more than one hour at a time, and that is in the dead hour of night. They steal in on their victim, gag him, take him out and hang him, and even his nearest neighbors would not know for some time. I think the presence of troops here will have a good effect. I have no doubt but they would have been in here last night, had it not been for our presence here.

Very respectfully, your obedient servant,

C. P. McTAGGART,
Lieutenant Seventeenth Infantry, Commanding Post.

Colonel S. B. HAYMAN,
Commanding Post of Raleigh, Raleigh, N. C.

Official copy:

A. H. M. TAYLOR,
First Lieutenant Seventeenth Infantry, Post Adjutant.

Official copy:

LOUIS V. CAZIARC,
Aid-de-Camp and Acting Assistant Adjutant General.

HEADQUARTERS POST OF RALEIGH,
Raleigh, North Carolina, March 7, 1870.

Sir: I have the honor to transmit herewith a copy of a communication from Lieutenant C. P. McTaggart, Seventeenth United States Infantry, of the 6th instant, for the information of the brevet major general commanding Department of Virginia. This report is fully confirmed by respectable citizens.

The governor will probably issue a proclamation to-day declaring Alamance County, in a state of insurrection, and I therefore respectfully request that an additional force of at least two hundred men be sent to this State, and be directed to proceed to such points as the general may select in Alamance County, where the civil authorities are openly defied, and murder and other outrages perpetrated upon loyal people with impunity.

It is apprehended that the necessary arrests cannot be made without a collision with an organized force engaged in sedition; hence the necessity of more troops to sustain the honor and dignity of the Government; and I further recommend that the writ of habeas corpus in Alamance County be suspended by the proper authority until the insurrection is suppressed.

A sergeant and ten men will be sent to the Company Shops, about two miles west of Graham, to protect the postmaster and other citizens at that place. I have instructed Lieutenant McTaggart to do nothing to provoke an attack, but to protect to the extent of his power all citizens against assault and outrage.

No information or orders relating to the insurrectionists should be sent by telegraph as it will probably be communicated to them.

I have the honor to be, sir, very respectfully, your obedient servant,

S. B. HAYMAN,
*Lieutenant Colonel Seventeenth United States Infantry,
Brevet Colonel United States Army, Commanding Post.*

Lieutenant LOUIS V. CAZIARC,
A. D. C. and A. A. A. G., Department of Virginia, Richmond, Virginia.

Official copy:

LOUIS V. CAZIARC,
Aid-de-Camp and Acting Assistant Adjutant General.

EXECUTIVE DEPARTMENT, STATE OF NORTH CAROLINA,
Raleigh, March 7, 1870.

Ordered: General A. W. Fisher, adjutant general of North Carolina, will immediately report in person to Major General Canby, commanding department at Richmond, Virginia, and state to the general commanding the inability of the civil authorities to protect life and property in several counties in this State, and earnestly request that a larger force of United States troops be sent here at once.

W. W. HOLDEN, *Governor.*

[Great seal of the State of North Carolina.]

XCV CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

EXECUTIVE DEPARTMENT OF NORTH CAROLINA,
Raleigh, March 10, 1870.

SIR: I have felt it to be my duty to declare the county of Alamance, in this State, in a state of insurrection.

The copy of my proclamation, herewith inclosed, of date March 7, 1870, contains some of the reasons for this step.

There exists in this State a secret, oath-bound, armed organization, which is hostile to the State government and to the Government of the United States. Bands of these armed men ride at night through various neighborhoods, whipping and maltreating peaceable citizens, hanging some, burning churches, and breaking up schools which have been established for the colored people. These outrages are almost invariably committed on persons, white and colored, who are most devoted in their feelings and conduct to the Government of the United States.

I cannot rely upon the militia to repress these outrages, for the reason that in the localities in which these outrages occur white militia of the proper character cannot be obtained, and it would but aggravate the evil to employ colored militia. Besides, the expense of calling out the militia would be greater than our people could well bear in their present impoverished condition. Federal troops inspire terror among evildoers, and they have the confidence and respect of a majority of our people. We therefore look to, and rely on, the Federal Government to aid us in repressing these outrages and in restoring peace and good order.

If Congress would authorize the suspension by the President of the writ of habeas corpus in certain localities, and if criminals could be arrested and tried before military tribunals and shot, we should soon have peace and order throughout all this country. The remedy will be a sharp and bloody one, but it is as indispensable as was the suppression of the rebellion.

I trust, sir, that you will issue to the commanding general of this Department as stringent orders in this matter as the present laws will allow. The commanding general has been prompt to respond to the extent of the power which he has, but I fear this power will not be adequate to effect the desired result.

I have the honor to inclose a copy of the State law under which my proclamation was issued. Also, a pamphlet containing the testimony of witnesses in the preliminary examination of the Lenoir County prisoners, which will afford some idea of the organization and objects of the Ku-Klux Klan.

I have the honor to be, with great respect, your obedient servant,
W. W. HOLDEN, Governor.

HIS EXCELLENCY THE PRESIDENT OF THE UNITED STATES.

(Telegram.)

GENERAL CANBY:

In reply to your dispatches concerning troubles in North Carolina, the Secretary of War desires that a few companies be sent to the district in insurrection, which you will do.

By command of General Sherman.

E. D. TOWNSEND,
Adjutant General.

AN ACT to secure the better protection of life and property.

SECTION 1. *The general assembly of North Carolina do enact*, That the governor is hereby authorized and empowered, whenever in his judgment the civil authorities in any county are unable to protect its citizens in the enjoyment of life and property; to declare such county to be in a state of insurrection, and to call into active service the militia of the State to such an extent as may become necessary to suppress such insurrection; and in such case the governor is further authorized to call upon the President for such assistance, if any, as in his judgment may be necessary to enforce the law.

SEC. 2. That upon motion of a solicitor of a district, it shall be the duty of the judge thereof to remove the trial of any person who has been, or who hereafter may be, indicted in any county in the State for murder, conspiracy, or violation of an act entitled "An act making the act of going masked, disguised, or painted, a felony," ratified the twelfth day of April, anno Domini one thousand eight hundred and sixty-nine, from the county in which such offense may have been committed to such other county in his district, or adjoining district, as the solicitor may designate; and any judge before whom such case is pending may, upon his own motion, make such removal.

SEC. 3. That the expenses attending the calling of the militia into actual service, as herein provided, shall be paid by the treasurer of the State, upon the warrant of the governor; and it shall be the duty of the commissioners of the county declared to be in

CONDITION OF AFFAIRS IN THE SOUTHERN STATES. XCV

a state of insurrection, and in which such service was rendered, to reimburse, within one year, the treasurer of the State the expenses thus paid: *Provided*, That whenever a person or persons shall be convicted of a violation of any offense mentioned in section second of this act, said expenses of the militia shall be taxed in the bill of costs against the person or persons convicted, and when collected the same shall be paid in to the treasurer of the county.

SEC. 4. That the cost, on conviction under an indictment in section second of this act, shall be paid by the commissioners of the county where the offense was committed, on the certificate of the clerk of the court where the trial may be had, and if necessary, said commissioners shall levy a tax for that purpose on all subjects of taxation in said county, and execution in favor of said county shall issue against the property of the person convicted for the cost as aforesaid.

SEC. 5. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified the 29th day of January, A. D. 1870.

JO. W. HOLDEN,
Speaker of House.
TOD. R. CALDWELL,
President of Senate.

STATE OF NORTH CAROLINA, OFFICE SECRETARY OF STATE,
Raleigh, February 3, 1870.

I, Henry J. Menninger, secretary of state, hereby certify that the foregoing is a true copy of the original act on file in this office.

H. J. MENNINGER,
Secretary of State.

AN ACT to prescribe the power and duty of the governor in respect to fugitives from justice.

SECTION 1. The general assembly of North Carolina do enact, That the governor, on information made to him of any person having committed a felony, and of having fled to parts unknown, whether within or without the jurisdiction of the State, may issue his proclamation, and therein offer a reward not exceeding five hundred dollars, according to the nature of the case, for the apprehension and delivery of such fugitives to any common jail in the State.

SEC. 2. That the reward authorized in the preceding section shall be paid to the person or persons who may arrest and cause to be committed such fugitive; but no part thereof shall be paid to any sheriff or other peace officer whose duty it is by law to pursue and arrest felons fleeing from justice, and whom the governor, on satisfactory evidence, may deem to have been guilty of a default in making such pursuit and arrest previous to issuing any proclamation.

SEC. 3. That the governor is directed, upon information made to him of any sheriff or other peace officer having failed to discharge his duty in pursuing and arresting felons, as prescribed in the second section, chapter thirty-five of the revised code, to cause the facts of such failure or neglect on the part of a peace officer to be laid before the solicitor of the State for the judicial district in which such delinquent peace officer may reside, to the end that he may be indicted for the same.

SEC. 4. That the governor, either with or without issuing the proclamation authorized by the first section of this act, be and he is hereby further empowered to employ a detective force, as he may deem sufficient, to pursue and apprehend any felon who is a fugitive from justice, whether within or without the limits of the State; and such detective force shall be in all things subject to the orders and directions of the governor; shall report to him from time to time, and be paid by him for services, in no case exceeding five hundred dollars, for the arrest and safe delivery to jail of any one felon.

SEC. 5. That the governor is authorized to issue his warrant to the public treasurer, from time to time, for sufficient sums of money for the purposes required by this act.

SEC. 6. That all laws and parts of laws in conflict with the provisions of this act are repealed.

SEC. 7. That this act shall take effect and be in force from and after its ratification.

Ratified this 19th day of February, A. D. 1869.

JO. W. HOLDEN,
Speaker House of Representatives.
TOD. R. CALDWELL,
President of the Senate.

XCVI CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

STATE OF NORTH CAROLINA,
OFFICE SECRETARY OF STATE,
Raleigh, March 24, 1899.

I, Henry J. Menninger, secretary of state, hereby certify that the foregoing is a true copy of the original act on file in this office.

HENRY J. MENNINGER,
Secretary of State.

In accordance with the above act of the legislature, his excellency Governor Holden appointed Captain L. H. Mowers, of this city, a special detective, and assigned to him the arduous task of ferreting out the perpetrators of the terrible and well-known Bridge murders, and the members of the lawless band which has been a horror to the law-abiding citizens of Lenoir and surrounding counties for a long time.

The first of April, five months ago, he entered on his duties, and has ever since worked with unremitting energy, with the one object in view—namely, bringing criminals and outlaws before a lawful tribunal to answer the demands of a just law.

For months success did not seem to crown his endeavors, and those not acquainted with the duties he was performing (and few understood his mission) were led to believe that no check was being placed on wholesale crime. Life was uncertain, and the poor man had no security that the morning would find him in possession of the horse or mule necessary to work his little crop. Still Detective Mowers labored, silently but faithfully, and so closely did he follow in the train of the gang that a few weeks ago three men turned State's evidence, acknowledged the crimes, gave the names of the perpetrators, and assisted in their arrest. The result was that in one night he made a haul of eighteen men more or less implicated in the crimes which had been committed, and the following day they were lodged in Craven County jail. Three others were afterward added to the number, and their examination before Judge Thomas and the disposal of them till the next term of Lenoir and Greene counties superior courts is correctly produced in this pamphlet.

Too much praise cannot be given to Detective Mowers for the energy, endurance, and persistency he has manifested in working up the cases and bringing them before a proper tribunal.

CONSTITUTIONAL UNION GUARDS, } *alias* } K. K. KLAN. }

Preliminary examination of the Lenoir County prisoners on the charge of conspiracy, murder, arson, &c., before Hon. C. R. Thomas, Judge of the third judicial district of North Carolina, began at Newbern, North Carolina, August 31, 1899.

Counsel for the State, Wm. J. Clarke, Augustus S. Seymour, and R. F. Lehman, esqs.

Counsel for the defendants, George Green, Charles C. Clarke, Frederick C. Roberts, Henry R. Bryan, and A. G. Hubbard, esqs.

EXAMINATION OF A PART OF THE LENOIR COUNTY PRISONERS.

FIRST DAY.—A horrible tale of murder and other crimes.—Appearance of A. Monroe.

Yesterday afternoon at three o'clock A. Monroe, a lawyer of Kinston, was brought before Judge Thomas at the court-house in this city, on an affidavit of James Freeman, jailor. He, in company with others, was charged with taking five prisoners from jail, and was also charged in another warrant with murdering five prisoners who had been lawfully confined in the Kinston jail. R. F. Lehman, W. J. Clarke, and A. S. Seymour, esqs., appeared for the State, and George Green, F. C. Roberts, H. R. Bryan, and A. G. Hubbard, esqs., for the defendant.

The counsel for the defendant were not ready for an examination, and after much controversy the examination was set down for Saturday, September 4.

Judge Thomas did not understand why the prisoner should not be examined by a justice of the peace in Lenoir County, and was informed by W. C. Clarke, esq., that evidence was in his possession to prove that no justice of the peace in that county dare examine the case impartially. The prisoner was remanded to the sheriff's keeping.

Examination of Richard Sutton and William Cooker.

The above-named prisoners were arrested charged with felony, on the strength of an affidavit sworn to by Jesse Parrott, (colored,) to the effect that on the 14th of March they, in company with others, stole from the said Jesse Parrott one horse and mule and a pair of shoes. The same counsel appeared on both sides as in the case of Monroe.

CONDITION OF AFFAIRS IN THE SOUTHERN STATES. XXVII

The counsel for the defense waived an examination, and offered to give bail; counsel for the State refused, and on being asked the reason stated that it was common for persons to be accidentally killed when convenient, and they wished the evidence of the witnesses on record that they might be sure of it at the trial; also that it might serve as a kind of life-preserver for the witness, making it useless to kill him.

Jesse Parrott, (colored,) being sworn, was examined by R. F. Lehman, esq.:

I live in Lenoir County, about six miles above Kinston; always lived there, near Jesse Waters, between the railroad and the county road, on Falling Creek; I have a family; I know Richard Sutton and William Cooker; there they are, (pointing to the prisoners;) have been knowing them some better than three years; they live in Lenoir County, about twelve or fifteen miles from me; as much as that at least; they came to my house between midnight and day, this last March three years ago, about the 14th of the month; there were four or five more with them; I did not know the others; they came with pistols; they said, "Hallo, old man, got any drinking water?" I said yes, and got up and gave them some; I then started the fire, and four men popped in and took my gun and pistol away, and said, "Old man, we were sent to take your arms; the captain sent us;" I told them I had not heard of any such orderment; they then took a pair of shoes which belonged to my daughter; I said, "Please don't take my horses, they are all I have got;" I heard them leading them out; they would not let me go out doors; they stood between me and the door.

After hearing the evidence the parties were bound over in the sum of five hundred dollars for their appearance at the next term of the Lenoir County superior court.

Richard Sutton charged with murder.

Richard Sutton was charged with the murder (in company with others) of Lewis Cogden, colored, in Lenoir County. The same counsel on both sides as before. Thomas Waters and Joseph P. Parrott were sworn, and Thomas Waters examined by the State's attorney.

I will be 28 years of age the 16th of next October; I live in Lenoir County, seven miles west of Kinston; I have been acquainted with Richard Sutton four or five years, I started to take Lewis Cogden, colored, to jail at Snow Hill, and he was taken out of the buggy to a field and killed; he was shot by Richard Sutton; I was present and saw Sutton shoot him; this occurred, I think, in Greene County, near the line between Greene and Lenoir; he was killed, and Mr. Suggs, one of the murderers, called on me to go and assist in burying him; Sutton fired on him with a pistol, and I found him, in a day or so, dead; he fell when the pistol fired; Elisha Suggs left the buggy in the road, and went to the body and said he was not dead, and said we ought to go back and finish the d——d son of a b——h; Suggs said the hogs would probably get to dragging him around, and the people in the neighborhood would find it out; Sutton rode off on his horse or mule as soon as the buggy could be turned around; I was in the buggy with Cogden, and Suggs and Sutton were on horseback; Lewis Cogden was a colored man; I went and helped Suggs bury him; it was a dark night, and Suggs looked around in the field a good while before he found him; it was an old pine field where we carried him when he was shot; at the time he was shot I was raking up a little pine straw to make a fire and warm my hands; it was in the evening; Sutton, Cogden, and I were together in the field when Cogden was shot; I did not shoot him; Cogden had robbed a good deal, and I thought we could make him tell who were in the party with him stealing, and while I was warning my hands Sutton shot him; I was going to threaten to kill him if he would not tell who were concerned with him; I think he was shot in the back and head; two shots were fired; at the first shot he fell on his knees and head, and Sutton then shot him again; the Taylor boys were after him to arrest him; he had robbed Mr. Taylor; I went up to Mr. Cooker and asked him to go with me; when we found him he had been arrested; he told on a fellow named Becton; we were none of us officers; the Taylor boys said they had a warrant; I had heard of a good many being arrested without a warrant; we called and got Suggs and went for Becton, but found he had been arrested and carried to Snow Hill jail, so we started for the jail with Cogden; when we got to an old field Suggs said, "Let's stop and make him tell the truth or kill him," and when I was warming my hands Sutton shot him; he was tied; Sutton didn't say a word when he fired on Cogden.

Cross-examined by GEORGE GREEN, esq.:

I was acting as a policeman in Lenoir County. I was not discharged or sworn in; do not know whether I was then acting or not; had had several orders from Captain Higgins. I was pursuing Cogden, not as a policeman but to get the robbers. I had been arresting without warrants. Mr. Lassiter was justice of the peace; he did not put the colored man in my possession. I borrowed a buggy at Mosely Hall. I did not summon Sutton and Cooker; they had Cogden in Lassiter's Grove; his advice was to take Cogden to jail. I was not at Kinston when I was appointed policeman. I was appointed by Colonel Upham. Lassiter said, "Don't allow Cogden to be killed."

Cooker left us as we turned to go to Snow Hill; he was drunk and carried off my pistol, and I have not seen it since. We went on to the old stage road from Kinston. We stopped at father's long enough to get a bottle of whisky and some bread. I drank every time the others took a drink. I told of the murder for the first time about a week ago. Mr. Parrott said the detective was finding out a good deal about this mischief which had been going on for the last few years, and that he had something against me. I said if I was called on I should state facts about what I knew. I thought he had heard about the murder, and I would tell what I knew. I thought by telling it that I would stop some of it. My own life had been threatened, and I told Captain Mowers of my own accord. He made me no promises.

JOSEPH P. PARROTT being called and examined by A. S. SEYMOUR, esq., testified:

I was twenty-five years old last April. Richard Sutton said to me that he, in company with Thomas Waters and Joshua Suggs, killed Lewis Cogden, but said he was not any more gully than the rest, and asked me if I could help him out of trouble; and I said I did not know as I could, but would do what I could for him. He said they killed Cogden; said they were under the influence of liquor.

Cross-examined by GEORGE GREEN, esq.:

He told me of the murder since he has been in Craven street jail, the 24th of August. Sheriff Tinker was there, and William Cooker, Richard L. Wooten, and Captain Mowers. Mr. Wooten had a talk with him. Mr. Wooten was on the other side of the room when Sutton told me of the murder, and asked me if I could help him out of trouble. He asked me if I thought it would be best for him to make a statement. I said perhaps it would, and then he told me what I have stated. I have been engaged in arresting some of the prisoners from Lenoir County. I arrested Sutton; Captain Mowers authorized me to do it.

This ended the case for the day; and further examination will be resumed this morning at 10 o'clock.

The examination of the Lenoir County Prisoners.

SECOND DAY.

Judge Thomas read the testimony given the day before by Joseph P. Parrott in regard to killing of Lewis Cogden, and Mr. Parrott subscribed to the same.

The judge required Joseph P. Parrott and Thomas Waters to enter in bonds of \$500 each for their appearance at the next term of Greene County superior court.

C. C. Clarke, esq., stated that the warrant in the case of Richard Sutton was not served till Tuesday, and they desired the case continued till Saturday next. W. J. Clarke, esq., answered that the defense was aware of the pending examination last week. George Green, esq., stated that till Tuesday there was no case before the court, and, therefore, no witnesses could have been subpoenaed. Judge Thomas stated that he would issue subpoenas for witnesses returnable Saturday at 10 o'clock a. m.

W. J. Clarke, esq., declared, before Judge Thomas and others present, that the executive had no object but to punish the guilty, and, if possible, banish criminals from the land. He was instructed by the governor to arrest no man unless on grave suspicion. Some of our witnesses have fled, and there is no probability of their early return; therefore, he moved that William Pool and William Wiggins, accused of the murder of James Grant, be discharged, and James Wiggins, Alexander Sutton, and James Dailey, not having evidence enough to hold them, he moved that they also be set at liberty. The return of the sheriff, in the case of the last-named prisoners, was to the effect that they were given into his keeping by Detective Mowers, and that he received from his excellency Governor Holden a telegram, ordering him to keep them safely till they were examined and discharged by process of law. The first above-named prisoners were discharged.

Thomas Waters, jr., J. L. Parker, R. F. Hill, Egbert Hill, Everett Hill, Alexander Dawson, and Benjamin Jones, were brought into court confined by virtue of a warrant. The name of Thomas Waters was also added to the others against whom there was no writ, and he was discharged.

W. J. Clark, esq., stated that Nathan Sutton is in court charged with receiving stolen goods. He proposed to waive an examination and give bonds for his appearance before the superior court.

The judge required a bond of \$500, and Cicero Green was given and received as bondsman.

Joseph Lassiter entered into the recognizance in the sum of \$200 for his appearance the Lenoir County court as a witness in the case.

The case of William B. Nelson was brought up for examination, charged with arson,

CONDITION OF AFFAIRS IN THE DISTRICT OF COLUMBIA. VOL. XOX.

on the oath of Joseph P. Parrott, that Nelson burned the grist-mill house of Joseph Lassiter.

WILLIAM B. NELSON said:

I never said it. I was ten miles away at the time the mill was burned. I was boarding at the house of Austin Williams, near Spring Bank, in Wayne County, and staid at his house all night the night the mill was burned. The mill is near my house, but I was not at home, and I can prove it to your satisfaction.

By Judge THOMAS:

Q. Are you the father of young Nelson who is in jail at Wilson at this time?—A. I am.

Q. Are you the man who testified in his case?—A. I am.

Stephen Lassiter, a witness, being called, was not in, and while the court was waiting for him to return George Green, esq., proposed to give bail for all prisoners, that they might go to their work. W. J. Clarke, esq., stated the evidence against the prisoners was such that he thought in justice to the State they must take down the testimony against every man accused in the warrant.

Awaiting the return to court of Stephen Lassiter, the court adjourned till 3 o'clock p. m.

AFTERNOON.

Stephen Lassiter was accepted as bondsman for Thomas F. Waters, in the sum of \$200, for his appearance at the examination of Richard Sutton, charged with the murder of Lewis Cogden. The examination will take place Saturday next, at 10 o'clock a. m.

Mr. STEPHEN LASSITER, being sworn and examined by A. S. SEYMOUR, esq., testified

I reside in Lenoir County, Mosely Hall Township. I owned the mill which was burned there. It was burned on the night of December 6, 1868. I do not know the cause of the fire. There was no fire about the mill. It must have been set on fire. I am acquainted with Wm. P. Nelson. After the fire I met him. He seemed to be sorry that the mill was burned, and said if I would rebuild it he would help hew the timber. He said he was up at Spring Bank, in Wayne County, about 12 miles from the mill, when it was burned, and heard of it the next day about 3 o'clock. Spring Bank is about 12 miles from my house. I did not charge Nelson with setting fire to the mill; he volunteered his statements about where he was that night. I think last June he came to me and said that he understood he had been accused of burning my mill, but he could prove that he was at Austin Williams's, a gentleman that lives about one or two miles from where he lived, when it was burned. Austin Williams's house is between one and two miles from the mill, and about the same distance from Mr. Nelson's house. I never had any quarrel with Mr. Nelson, and he never had any with me. There were some horses stolen from some colored men, and I accused his son of being concerned in the theft, and if there was any hard feeling it was occasioned by that circumstance; (afterward he said two horses from two colored men;) the horses were stolen at the time of the spring term of the Lenoir County court, and I accused him of stealing them soon after.

Cross-examined by the defense:

My mill was burned in the winter of 1868; I do not know how it was set on fire; the mill was running that day; two men were at work there, and people were passing; the hands told me there was no fire in the mill that day; I do not know, myself; I don't know what time the fire broke out; I was told of it about 7 o'clock in the morning, and got there about 8 o'clock. The miller was a smoker. Some time after the mill was burned, two or three weeks after, I saw Mr. Nelson, and he said he was sorry it was burned, and would help rebuild it. He lives about half a mile from the mill. It is a public mill. Nelson told me that at 3 o'clock the day after, he heard the mill was burned; he said he could prove by Austin Williams that he staid with him all night. I don't know how long Williams has lived there; he lived there before the war, and lives there since; if he had moved away I don't know it; I do not know whether he lived at Spring Bank when the mill was burned. I don't know of any hard feeling that Mr. Nelson had against me; I accused his son of stealing some mules of some colored men the spring previous. The people were in the habit of passing through the mill; parties might have passed through the mill that night with lights; I do not know as they are in the habit of carrying lights; I have known them to do so.

Questioned by A. S. SEYMOUR, esq.:

I was told that there was no grinding done there that night. Austin Williams, I am told, lives about two miles from Mr. Nelson; he has his grist ground at the mill; I don't know whether he has ever moved away from there; do not know that he ever moved away.

JOSEPH P. PARROTT, being sworn and examined by A. S. SEYMOUR, esq., testified :

I live in Leitch County, eight miles from Kinston; I know Mr. Nelson; Stephen Lassiter's mill was burned December 6, 1868; I had a conversation with Mr. Nelson last April; I had never seen him before to know him. Mr. Nelson's son told his father that he had a horse from me, and Mr. Nelson sent for me to see if it was my horse; he said Mr. Lassiter had been prominent in having his son arrested, and he had burned his mill, and he d—d if he didn't do it again if he rebuilt it, and meant to kill him too; he had got the gun in his house that he intended to do it with; he said that Mr. Lassiter had abused him a good deal, and accused him of raising his children on stolen beef, and no man should prosper who lived near him and accused him of raising his children on stolen beef.

Cross-examined by GEORGE GREEN, CLARK, and ROBERTS, esqs. :

I live about ten miles from Mr. Nelson; had not seen him before to know him; he sent for me; there came a man to my house and wanted me to come and see him. Asa Waters and Joshua Suggs were there and introduced me; they were present when the conversation took place; Mr. Nelson said his son had been caught with a horse, which he said his son said he had got from Mr. Parrott; it was not my horse; he then abused Mr. Lassiter; said Mr. Lassiter had accused him of raising his children on stolen beef; that he had burned Mr. Lassiter's mill. I did not agree with Mr. Nelson, but might have cursed Mr. Lassiter a little when Mr. Nelson said Mr. Lassiter was going to take me out and whip me; he told me the same thing twice; Mr. Nelson said that Mr. Lassiter said I was one of the regulators who was going round stealing—one of the horse-thieves—and he would be one of the men to raise a crowd any night to take me out and whip the breath out of the d—d rascal; I said he would have a happy time doing it; he told me about burning the mill, more than once; I don't know just what time in the conversation he told me what Lassiter said; Lassiter and Nelson live within a mile or two of each other; Nelson said that Lassiter's mill-pond covered some of his land; the mill has been there ever since I knew anything about it; Stephen Lassiter has had it since the death of his father; in going from Stephen Lassiter's house, to go to Nelson's, you leave the mill to the right; I staid at Mr. Nelson's between half an hour and an hour; got no liquor at Nelson's; went to Mosely Hall, going back, and got some; I told Mr. Lassiter a month ago that Mr. Nelson burned his mill; Nelson told me he did last April; I did not deem it my business to go and tell him, but told him while talking with him.

Questioned by A. S. SEYMOUR, esq. :

There were other parties there at the time; they will tell you the same as I have, if they tell the truth; when the pond was full it drowned some of Nelson's land, and he wanted to cultivate it; I don't know where Joshua Suggs and William Sutton are now; I hear they are in the woods; they left here on Sunday evening; they got a hand-car in Kinston; I heard they then took to the woods; they got a hand-car from Mr. Bradine; Asa Waters and Joshua Suggs took to the woods because they had been told that the officers here were going to get what they could out of them, and then put them through.

GEORGE GREEN, esq., wanted to probe the thing to the bottom, and find who spirited the men away; he believed either the State's attorney or the railroad officials did it; the State wanted the thing explained; they were sure there was fraud.

THOMAS WATERS was called by A. S. SEYMOUR, esq., and said :

I came from Kinston on a hand-car Sunday; I got it from R. W. King; I told him I was a witness here, and got left by Saturday night's train; he let Mr. Bradine bring me down, and when I got here Suggs said I was a d—d fool; that they were going to put us in jail; so I went back to Kinston with Suggs, but came back here again; Suggs did not come back.

Mr. LASSITER was called by A. S. SEYMOUR, esq., and said :

The water covers some of Nelson's land; he bought it of Whitfield; but we have a deed for the land the water covers while the mill is up; but when it goes down the land goes back to the former owner. I heard that Nelson said he was going to plant corn in the dry mill-pond, unless I could make shots fly faster than he could. Nelson was in possession of the land, but had not paid for it. Nelson thought if the mill was burned the land would come into his possession.

Judge Thomas required the prisoner to give bond in the sum of \$500 for his appearance at the next term of the superior court in Leitch County.

Mr. Lassiter gave his personal recognizance for his appearance as a witness.

Mr. Parrott gave his recognizance to appear in future cases.

The examination will be resumed at 10 o'clock this morning.

The examination of the Lenoir County prisoners.

THIRD DAY.

Franklin Hill, Everett Hill, Benjamin F. Jones, Alexander Dawson, Jack Parker, Egbert Hill, A. Monroe, and Jefferson Perry were brought before Judge Thomas, charged with conspiracy, on oath of Joseph P. Parrott.

By request of the State's attorney a *vol. pros.* was entered in the case of Alexander Dawson.

R. F. Lehman, esq., for the State, said: We will proceed against the prisoners jointly after they have severally pleaded.

Franklin Hill called, pleaded not guilty; Everett Hill, Benjamin F. Jones, Jack Parker, and Egbert Hill answered the same. A. Monroe also answered the same, and said, "I have never conspired against the laws of my country in any way." Jefferson Perry pleaded not guilty.

R. F. Lehman, esq., for the State, called George W. Tillon, Joseph P. Parrott, and Joseph Lassiter.

GEORGE W. TILLON, a witness for the State, being sworn, said: I am thirty-four years old; I am a late resident of Lenoir County; I have lived there since the close of the war; I am a bridge builder and butcher; have been engaged in that business in the mean time. I have been connected with an organization of which the defendants were members; that organization was formed in Lenoir County about the latter part of March or the first of April, in 1869. I became a member of the organization about that time, and was one of the first ten that assisted in forming it. Ruth Temple came to Lenoir County to form the organization. He came from near Raleigh. The name of the organization was called the C. U. G. Society; it means Constitutional Union Guards; it is popularly called the Ku-Klux Klan. I was among the number of ten that formed the organization. Their names, as far as I remember, were William Hines, Bright Harper, Henry Croom. These are all I would like to swear positively to. I might be mistaken in the rest.

By JUDGE THOMAS:

Are any of the parties named defendants here?—Answer by Mr. Lehman. No; they have not been taken. The first officers were Jesse C. Kennedy, A. Monroe, Ash Devane, and Zack Harper, were commanders. They were designated south commander, leading officer, north commander, east commander, and west commander. George W. Tillon, conductor; David Smith, treasurer; Henry Croom, secretary; James Hines, inside guard; Daniel Davis, outside guard. I continued to operate with this organization about two months. At the time I left it it had about seventy-five members. Frank Hill, Everett Hill, Egbert Hill, Benjamin Jones, Jackaline Parker, Alexander Dawson, Jefferson Perry, and A. Monroe were among the members who are now prisoners. I introduced them for initiation. It was the duty of my office. Some of them were initiated at Henry Croom's house; some in an old still-house back of his house; some at William White's store, at Kinston, and one at the river bank, Mr. Hunter's residence. They (the prisoners) were all active members at the time I abandoned the organization. I administered the following oath, as near as I can recollect it: "I solemnly swear that I will never reveal anything that has transpired, or may transpire, in the order that I am about to join, even should I not identify myself therewith." Questions asked before the oath is put: Do you believe in a white man's government? Do you promise to labor faithfully for the overthrow of the ——— party? The conductor fills up the blank and inserts "republican."

A further oath is, to take a solemn obligation to resist by force of arms, if necessary, any aggression upon our legal rights. There was an oath taken to promise to obey all officers in anything pertaining to the good of the organization. The north, south, east, and west commanders each administer a different oath. The duty of the south commander is to administer the first oath; the other commanders do the same, and give some signs and secrets. I was present at several meetings; we had a meeting on several Saturdays at Croom's old still-house; always there, with the exception of two meetings at William White's store, in Kinston, up stairs, secretly. We met at Croom's still-house in April and in May. There was business done at the meeting in April; the members that came together were nearly all armed with pistols and guns; very few guns. The meeting was held in the afternoon, about 3 o'clock; when the members went into session the outside guards were placed on their posts—armed men, with orders to halt anybody not able to give the pass-word. In this meeting measures were adopted for the killing of Colgrove and Wilkie. The reason given for the killing of Colgrove was on account of his participation in the arrest of Joel Hines; that was the principal reason. Joel Hines was a member of the organization at that time. Wilkie was supposed to be a detective, trying to ferret out the perpetrators of the bridge murder. The measures that were adopted—members were deputized to kill the man; some volunteered; they were authorized by the meeting; those who were to do it were told

CII CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

that they would be protected. Ash Devane moved, in open meeting, to kill Colgrove and Wilkie; the motion was put and carried. The next morning I met a party belonging to the organization returning from Colgrove's, who said they had been there for that purpose, but did not find him. The vote in the meeting was not unanimous, but it was carried.

All the prisoners now before the court were present when the vote was taken to kill Colgrove. Others there were, Henry Croom, Daniel Davis, Jesse C. Kennedy, Ash Devane, Zack Harper, Bright Harper, Samuel Perry, James Perry, William Hines, James Hines, Joel Hines, Redden Hines, and others. Jesse C. Kennedy was south commander of the meeting. The highest officer, Ash Devane, put the motion and called on the south commander to put it to a vote. Any member had a right to put a motion; sometimes they put it through the south commander.

Meetings were held weekly; they were always armed assemblages. The meetings were generally in the daytime. At the next meeting the killing of Colgrove was up again; it was the important question. Others to be killed were Wilkie, Mowers, Shepard, and others. A motion was offered in this meeting to kill Mowers, because he was supposed to be a detective; the motion was put and carried.

All the prisoners, or nearly all, were present. The Hill boys were there; Frank Hill, Egbert Hill, Everett Hill, Jefferson Perry, and Benjamin Jones were present. The commanders present were Jesse Kennedy, Ash Devane, and Zack Harper. The instructions were generally to get in the way of the sheriff, in case any member of the organization should come to trial for an alleged offense, and acquit him no matter what the testimony which was offered was; to go to the assistance of a comrade giving the cry or signals of distress at the risk of our lives. These orders were given by the commanders. Getting in the way of the sheriff means hanging around the courts to get on the jury to acquit any members of the organization without any regard to the oath taken by the juror. We were under oath to go to the relief of a comrade giving the cry of distress, which meant when he was going to jail or to trial; such was the general understanding. I have been called upon by a lawyer belonging to the organization to get on a jury for his benefit; the lawyer, Mr. Munroe, being the man; he expecting me to acquit the prisoners without regard to the oath of a juror. Ash Devane and Hines were imprisoned in the Lenoir County jail on the night of the 1st of May, for stealing a mule. The members took a solemn obligation to go to the relief of a member in distress, which means in jail or to go to the trial. They were to assist him by getting on the jury or releasing him from jail by force if necessary. Ash Devane and James Hines were released from jail on the morning of the 3d of May by members of this organization, named as follows: Frank Hill, Everett Hill, Egbert Hill, Jackaline Parker, Benjamin Jones, Redden Hines, William Hines, Joel Hines, Bright Harper, Zack Harper, Henry Croom, Daniel Davis, Samuel Perry, James Perry, Joseph Parrott, George W. Tillon, and others. A. Munroe and Jefferson Perry were not present.

They went to the jail armed; the prisoners were released; the locks to the jail were broken; the jailer was not present; the prisoners in jail had arms; I mean Devane and Hines had pistols; Devane had two and Hines one; Mr. Frank Cox was then sheriff; it was on Sunday night or Monday morning near 1 o'clock. The party that went to the jail assembled about a mile and a quarter from Kinston, at Mr. Hill's house, about 9 o'clock Sunday night—Frank Hill's house, near Ferry Branch. We went from there to the grave-yard in Kinston, armed with pistols and doubled-barreled guns. We were there organized, and a captain elected; Bright Harper was elected captain. Myself and Joseph Parrott were sent to Kinston to find the tools for breaking open the jail, which were to have been left, as I understood, at Munroe's office; but did not find the tools or Munroe there; the captain directed us to go there for the tools; we walked up and down the street endeavoring to find Mr. Munroe, Mr. Bartleston, or any others who we supposed sympathized in the undertaking; did not find Munroe that evening, and did not get the tools. We then went near the jail to see if there was any guard there; when about one hundred and fifty yards from the jail we heard blows on the doors, and we rushed up and took our places in the guard. They were the same parties who started from Frank Hill's. The guards were posted around the court-house square and jail. Immediately after our arrival the door was forced, the prisoners released, and shook hands all round. We gave three cheers and started for Neuse River bridge. We carried one of our sledge-hammers with us, and threw it into Mr. Preston's garden; five of us were detailed to go back to the town for some horses which were left there; we separated with the company at Mr. Preston's corner—Stubb's place. James Hines, George Tillon, Ash Devane, and Joseph Parrott went to Mr. Tumage's lot; do not remember the other man; we got Mr. Parrott's horse and one Devane used; we then went home. There was a proposition made the same night to kill Mowers, but it was not carried. This crowd was most at home the Saturday before; some were at Mr. Munroe's office; those there were George Tillon, Joseph Parrott, Bright Harper, A. Munroe, and Samuel A. Bartleston; I was there; measures were adopted for the rescue of those in jail; we were to ride and notify members to meet Sunday night and rescue the prisoners in case they were not released on bail; we were armed; arms were brought

CONDITION OF AFFAIRS IN THE SOUTHERN STATES. CIII

there and Dr. Bartleson and Munroe had double-barrel guns and pistols; Munroe said he was mounting guards to protect the prisoners in jail, and that in case they were not released Sunday he would be one of a party to help do it Sunday night; but not to do it Saturday night; but that he had telegraphed to Governor Holden and was in hopes that some satisfactory arrangements might be made.

The defendants did not care to question the witness. The judge read the testimony to the witness, and he subscribed to the same.

AFTERNOON.

The examination was resumed shortly after three o'clock.

JOSEPH P. PARROT, a witness for the State, was sworn and questioned by A. S. Seymour, esq.:

I was twenty-five years old the 22d day of last April. I live in Lenoir County, eight miles from Kinston; have lived there since my birth. I am acquainted with the prisoners at the bar; I have been a member of an organization with them; it was called the Constitutional Union Guard, commonly known as the Ku-Klux Klan. I connected myself with the organization, I think, on the evening of the first Sunday in April last; I was initiated on the Sabbath. I think all the prisoners were members, excepting, perhaps, Mr. Parker. Those present were A. Munroe, Jefferson Perry, Franklin Hill, Everett Hill, Ben. F. Jones, and, I think, Zack Parker, (I know him as Jack Parker,) Jesso C. Kennedy, Ash Devano, Samuel Perry, James Perry, Henry Croom, Joel Hines, William Hines, David Smith, Geo. Tillon, Clay Huggins, Thomas Uzzle, Alex. Dawson, Joseph Barrow, Bright Harper, Zack Harper, Daniel Davis, James Hines, Thomas Williford, and several others I don't recollect. George Tillon introduced me to the organization. Jesso Kennedy was south commander, A. Munroe was north commander, and Ash Devano was a commander; I don't know whether he was east or west; George Tillon was conductor; I heard of other officers, but don't remember them. Mr. Tillon, as conductor, met myself and several others—Joshua F. Suggs, Joseph Lassiter, Clay Huggins, Joe Barrow, and Thomas Uzzle; I don't remember whether or not there were others; he met us behind Henry Croom's still-house, and administered an oath; I think he had a sword on and drew it; I'm certain of it. He first asked if we believed in a white man's government; we answered that we did. He asked us somewhere in the ceremony if we promised faithfully to labor for the overthrow of the republican party. I don't recollect the oath. He blindfolded each one of us with a handkerchief and took us in the still-house; had us to kneel down after we got in there, and take a solemn obligation to go to the rescue of a brother member giving a cry of distress, under any circumstances, even to the risk of our own lives; to resist by force of arms if necessary, any aggression of our legal rights; to restore this Government to the control of white men, by force of arms if necessary. After that we were told to arise, and I think Ash Devano presented us to the north commander for instructions, which was Mr. A. Munroe. He gave us instructions as to the signs, cry of distress, &c., also the pass-words; then we were told, by Ash Devano, I think, that they received us as brother members. In the oath it said to obey all orders of all officers belonging to the organization. In the meeting there was a motion made to appoint a committee to keep a lookout for Sheriff Colgrove, Shepard, a magistrate in Trenton, and Mr. Wilkie, and that if they made any move in force to let it be known, so that it could be met by a force; and if any member had a chance to kill either one, and would do it, they would be supported in it by the organization. I don't remember who made the motion, it was by some member of the organization in open meeting; I don't know whether anybody opposed it; it was carried, I think, without a dissenting voice; the meeting was held in the still-house; I went the back-way and saw no road; I crossed the river in a small boat and went through the plantation; we went to the house after the initiation; I think there was a house in sight; this was about three o'clock p. m. It was Henry Croom's still; at the time of the motion about Colgrove, &c., the prisoners were all there except, perhaps, Mr. Barker, I am not sure about him; I do not know who put the question; Thomas Uzzle and myself were on the committee; I don't remember the names of the others; they lived near Jones County; I don't know which county they lived in. We were told to keep a good look-out for Stephen Lassiter, or anybody who was taking an active part in finding out anything about the organization or arresting the members. I understood that it was my duty, if I knew anything going on against the regulators, to inform the south commander, who would call a meeting and make preparations to meet them; I don't recollect as there was any other business of importance; we had some whisky; we were instructed that it was our duty to assist each other under any circumstances; if any member was on trial in court it was our duty to put ourselves in the way of the sheriff so as to get on the jury and acquit him; if there was a member in serious

trouble. It was our duty to stand his bail so that he could make his escape; we were instructed that it should be our duty to prove an *alibi* for any member who was arrested charged with a crime; I understood that if any officer instructed me to kill a man who was opposing the organization, I ought to kill him. Jesse C. Kennedy, south commander, ordered me and Ash Devane to kill a man, and we did it; that man was James Grant; Grant was a bad man, and we knew that he knew something against some of the members, and we wanted to put him out of the way, fearing that he might be used as witness against them; the instructions at the meeting about murdering were given by the officers in open meeting; when the meeting broke up about sunset, I went home; stopped at Jesse Kennedy's on the way; some of the members of the meeting were there armed with pistols; a majority of them were, if not all; I don't remember whether or not there were any guns; I attended one meeting after that, I think it was in June, at the same place; it was about ten miles from where I lived; I went in company with Mr. Monroe, from Kinston; Jefferson Parrott and Franklin Hill were there; don't recollect about the others; we went in and Jesse Kennedy stated that they had elected new officers, that he had thrown up his office, and named the officers that had been elected; Henry Croom was south commander; I don't remember the other officers; some members of the organization said that Sheriff Colgrove had been killed. I think it was stated that they hoped it would not be long before some of the others were killed, meaning, I suppose, those that a committee had been appointed to look out for. We got there late, and the meeting broke up about sunset. I went down to Samuel Perry's shoe shop, near Mr. Kennedy's, twice with some members to be inflated. It was in Lenoir County. I was present when Devane was rescued from jail. I was present when he was arrested in Kinston, Saturday evening, about sundown, May 1. Ash Devane requested me to go to Jesse Kennedy's and let him know that he was in jail, so that he could make arrangements to have him taken out. I went to Kennedy's with George Tillon; we called Kennedy out and told him Devane was in jail. He gave us something to eat and his horse, and told us to go back and he would be back the very next day with others and make arrangements to get him out. We went back, and went to Mr. Monroe's office and found him and Dr. Bartleson there, and stayed until day. Kennedy sent Jack Harper with us back to town. Kennedy came down with Jefferson Perry Sunday morning and knocked about till night, and Devane did not get out. Mr. Perry and Mr. Kennedy left, and said one would go upon each side of the river and order the men in, and stated where they were to meet us who were in town. We met them as agreed; twenty-five men, I think. We organized between the Neuse bridge and Kinston, and George Tillon and I were to go over the river and get the Hill boys and the rest, and meet with the rest; we did so. Those who I recollect of the party were Henry Croom, Bright Harper, Zack Harper, William Hines, Joel Hines, Reddin Hines, Franklin Hill, Everett Hill, Egbert Hill, George Tillon, and others I do not now recollect, from over the river; besides there were Samuel Perry, James Perry, Alexander Dawson, Thomas Williford, who I recollect. All the prisoners were there except A. Monroe and Jefferson Perry. I could not say positively about Jack Parker; I heard his name called; it was dark when we met, between eleven and twelve o'clock at night. We went to the jail and took out Ash Devane and James Hines. We were armed with revolvers and double-barreled guns. I recollect having seen the most of them in the meetings of the C. U. G., or the Ku-Klux Klan. They appointed a commander for the night. I think it was one of the Harper boys. I was not at the jail door myself. I heard ticks on the door; soon after the door flew open and Devane and Hines came out, each one with a pistol in his hand. We gathered together and gave three cheers, then started in the direction of Neuse River bridge. When we got out of town five of us went back after Devane's and my horses. We got them and I started for home. Devane rode a couple of miles or so with me; we parted and I went home.

Cross-questioned by GEORGE GREEN, esq.:

I did not kill Sheriff O. R. Colgrove, and do not know who did.

Questioned by Judge THOMAS:

When did you leave the organization?—Answer. I never did leave it; I don't know how many members there are, probably a hundred; I have heard of them in Jones and Greene Counties, and one in Craven; Mr. Hancock said he joined in Raleigh a year ago; Robert Hancock, deputy sheriff; I hear meetings have been held since I attended; a deputation was sent to tell me to come to a meeting the first Saturday in September; the order to kill Grant was given at Kennedy's house and other places; Devane also ordered it, and he was an officer; if I had seen an officer of the law have in custody a member of our order, I should release him if it was in my power; we intend to resist the law when it is in our power, even at the risk of our lives; I have received personal aid and assistance from the citizens of the county, who did not belong to the organization—people who stand high in the community; when we were told by an officer to kill a man we considered it our duty to do so.

Mr. Parrott subscribed to the above testimony.

CONDITION OF AFFAIRS IN THE SOUTHERN STATES. CV

JOSEPH LASSITER, being called by the State, was questioned by W. J. Clark, esq., and testified:

I was twenty-two years old the 22d of last April; I live in Greene County; I am a member of a secret organization in Lenoir county; I joined in April, 1869; some called it the Union Guards, and some called it the Ku-Klux Klan; it was commonly called the Ku-Klux; the existence of the organization was not known outside the organization; the time and places of meeting were not made known to the public at large; the meetings were held secretly; the members attended the meetings armed; I never attended but one meeting; the object of the organization was to overthrow the radical party; they had officers called south commander, north commander, east commander, and west commander; they had a conductor and treasurer; Jesse C. Kennedy, south commander, was the head man at the time I joined; I don't remember the other commanders; George Tillon was conductor; members were to be upward of eighteen years of age; I was made a member at Mr. Croom's still-house in Lenoir County.

[The still referred to has been for a long time in operation, manufacturing spirits contrary to law, the owner never having paid the Government tax. It was situated in the woods away from any public road, and utterly concealed from public view. Deputy United States Marshal Robert C. Kehoe learning these facts a few months ago, sent a deputy to take possession of the still and arrest its owner. The deputy was driven away, and was unable to carry out his instructions. Shortly after Marshal Kehoe went to Goldsboro, took a detachment of soldiers, and went in a roundabout way, caught the parties napping, and took the still. Mr. Croom procured bonds for his appearance in court, and is now "absent," much to the chagrin of his bondsman. One James Grant, a colored man, who was to have been a witness for the United States in the case, has since been murdered, and the evidence of Joseph P. Parrott tells why and how he met his fate.—REPORTER.]

I think there was twenty-five or thirty members present; Joseph P. Parrott, Joshua Suggs, Thomas Uzzle, and Clay Huggins joined at the same time I did. We went behind the still-house, and Mr. Tillon came and asked if we believed in a white man's government; I told him I did; they blindfolded us then and took us in the still-house and caused us to kneel; we then took an oath; we put our hands on the Bible; I cannot give the words of the oath; as far as I remember, it was to overthrow the radical party, and to restore the Government into the hands of white men, by the force of arms for our legal rights if necessary; to obey all orders of all officers; I understood that if I had orders out of the meeting as well as in, I was to obey them; anything said or done in the meeting was to be kept secret; I took no other oath; there was another oath to take, but I never went back; I was instructed if any one was looking for any of the members to arrest them, to make it known to an officer of the Klan, or any other brother member; the members were then to assist the member whom an officer was looking for; we were to help him by the law if we could; if not, otherwise; I mean bail him out if we could; if not, take him out; I mean break open the jail and take him out; by being in distress, I mean if we should get in jail or in distress in any way; these instructions were given in public meeting, in the hearing of all the members assembled; they were given by Jesse Kennedy, Henry Croom, and Ash Dovano, perhaps others; there was a committee appointed to watch out for Colgrove and Wilkie; I mean Sheriff Colgrove, also Stephen Lassiter; I mean if they arrested anybody to kill them, and if they came with force to meet them with force; I mean if they tried to arrest any one of the Klan, to kill them; Tom Uzzle and Joe Parrott were all that I knew on the committee; no long speeches were made; Mr. Kennedy made some little public talk, urging them to assist white men; it was then about 3 o'clock p. m.; it was in a private place; I think a very private place, off from a house where anybody staid; no public road ran by it, or private road either; Mr. Monroe and Jefferson Perry were there; I am not acquainted with the other men; I did not talk with the members about the Klan; I do not know anything about the jail-breaking in Kingston; have not been instructed by the counsel for the State as to the evidence I should give, nor has any other witness to my knowledge; the State's counsel have made no suggestions to me or any other witnesses that I know of. The counsel for the State has made no promises except that what I said should not be used against me.

Cross-examined by C. C. CLARK, esq.:

When I joined the organization, the sign of recognition given was to put your right hand on the breast; the sign of distress, is the hands behind the head; the grip, is a shake of the hand with the forefinger doubled in; (the witness shook hands with Lawyer Clark to show him how it was done.)

Questioned by Judge THOMAS:

I knew of no such organization in Greene County; I understood that if I had been told by an officer to kill my brother or father, I should have felt obliged to do it. I never talked with any members about it except Joe Parrott. The oath was, to obey all officers, and do anything they told you; I thought they would kill a fellow if they did not obey the officers. I think they will kill me if they can. *I expect to be killed, sir; I*

CVI CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

don't know who will do it; I fear none that are here, but those up near my house say they will kill any fellow who turns State's evidence.

Mr. Lassiter signed to the written evidence. The case was continued till this morning at 10 o'clock.

James Kennedy, of Lenoir, hearing that a warrant was out for him, yesterday gave himself up to the sheriff of Lenoir, who brought him to this city last night; he is now in the charge of the sheriff of Lenoir, and will undoubtedly have an examination.

A. G. Hubbard, esq., offered a bond in the sum of \$10,000, for the bail of A. Monroe, for to-day, and to insure his appearance at an examination to be held to-morrow. The bond was accepted.

Thus ended the third day's examination, and what does it tell? Simply this: That if the evidence is to be believed, there is a state of affairs in this State which sends a chill of horror over everybody, and every man, without regard to political principles, should have an earnest desire to have the thing fully investigated, and sifted to the very bottom. If these charges cannot be sustained, the people should be relieved of the terrible suspicion, and if the witnesses told the truth, and there is, as yet, *no reason to doubt their word*, the law-abiding citizens should wish to have the perpetrators of the horrible crimes punished, and their diabolical organizations rooted out of the country. It is to be hoped, not only the courts will investigate the affair before an *impartial jury*, but that the people of this section, who love order and detest crime, will render all means in their power to have the truth vindicated.

THE EXAMINATION OF THE KU-KLUX KLAN OR CONSTITUTIONAL UNION GUARDS.

FOURTH DAY.—Continuation of the conspiracy examination.

At the usual time in the morning spectators began to pour in, and by the time the examination commenced, the court-house was well filled.

Mr. D. D. Colgrove and E. Hubbs were called by the State, and sworn.

Mr. HUBBS, as questioned by W. J. CLARKE, says:

I knew Sheriff Colgrove. His name was Orson R. Colgrove. He was sheriff of Jones County. I have known him about five years. He is not now living. He died on the 29th day of May last. He was shot to death. I saw his body after his death. I did not see him after he was shot before he died. I saw him twenty-four hours after his death. I saw part of his wounds; saw two of his wounds in the left side of his face. I do not know how far they penetrated; they were well up, just below the temple, and ranged upward. I saw no other wounds.

Cross-questioned by the defendant's counsel, Mr. BRYAN:

I do not know whether O. R. Colgrove belonged to the Loyal League.

D. D. COLGROVE, being questioned by W. J. CLARKE, says:

My name is David D. Colgrove. Sheriff Colgrove was my half brother. I think I saw his body about half an hour after he was shot. I judge by the report of the guns which no doubt killed him. I saw the body at his residence in Jones County. I saw his wounds. They were freshly bleeding at the time I saw them. The largest one was near the heart; it was caused, I judge, by a bullet or slug. Two balls struck the right arm and went into the body. I think there was one wound very near the throat; I should judge it was from a ball also, or a very large shot. I think there were two others on the right side, but I would not say certain; I could not stand it to look at them, but there were three on the left side near the back, above the hip. It showed plainly that the clothes were burned by the fire which came from the shot. His undershirt and vest were burned badly. There were three other shots, one somewhere near the jaw on the left side, the other two above, below the temple, very close together. I visited the place where my brother was shot and saw the blood there, but did not visit it that day.

Cross-examined by Mr. BRYAN for the defendants:

He was a member of no secret organization. He was not a member of the Union League. I am a member of the Union League; joined in 1864, I think, in New York State. Attended one meeting and no other.

Question by Judge THOMAS:

I took no obligation in the League which would oblige a man to violate any law, to do any crime, or do anything in violation to the duty I owed to my God, my family, or my country:

Question by GEORGE GREEN, esq.:

The oath they take is as near as possible as follows: "We solemnly swear to support the Constitution of the United States against any foes, foreign or domestic." The oath

CONDITION OF AFFAIRS IN THE SOUTHERN STATES. OVII

taken by the members of the League in North Carolina is the same, I suppose, but I never attended the League in North Carolina.

Judge Thomas said: "I wish it understood that I do not belong to an organization that agrees to commit crime, and it is generally known that I am a member of the Loyal League. I say that no body of men can bind me in an organization that is pledged to commit crime."

George Green, esq., disclaimed anything personal in his question, and did not know that Judge Thomas was a member of the Loyal League. C. C. Clark said the same.

No more witnesses were introduced by the State. No testimony was introduced for the defendants.

Judge Thomas said, there being no evidence for the defense, he should require the prisoners to enter into a bond for their appearance at the next term of the Lenoir County superior court.

Mr. Hubbard, for the defense, wished Monroe discharged, as he was not proved to be connected with the affair.

The judge stated that procuring men to go on a jury for the sake of perjury, and cited other instances which would constitute a conspiracy. The judge placed the bond at \$1,000 each, and \$1,000 to keep the peace toward Joseph P. Parrott, George W. Tallon, and Joseph Lassiter, and all good citizens, for twelve months.

George Green, esq., says: Jesse C. Kennedy is in court, and is charged with the same offense as the others, conspiracy. He waives an examination.

W. J. Clarke, for the State: We prefer to examine the witnesses in this case, unless the prisoner will acknowledge that the testimony given in regard to him be acknowledged by him as given in the case of the others to apply to him.

It was decided to serve a new warrant, and he will be examined this morning at 10 o'clock.

END OF THE KU-KLUX EXAMINATION—FIFTH DAY.

Those accused of murder jailed. The others under bonds for their appearance.

The case of Mr. C. Kennedy was called. The counsel for the defense agreed that Mr. Kennedy should acknowledge to having been present at the giving of the evidence referring to him, and waived any cross-examination. John C. Wooten was sworn in regard to Mr. Kennedy's peculiar circumstances. Mr. Wooten testified that he was a partner of Kennedy, in a mill; considers Kennedy worth ten to twelve thousand dollars. Judge Thomas required a bond of ten thousand dollars for his appearance at the next term of Lenoir County superior court, and also a bond of twenty-five thousand dollars to keep the peace for twelve months toward Joseph Lassiter, Geo. W. Tallon, and Joseph P. Parrott. The bond to keep peace was afterward reduced to \$10,000.

The case of the State against A. Monroe, charged with murder in Lenoir County, was next called up, and the affidavit on which he was arrested was read. Monroe pleaded not guilty; said, "I was not there, and expect to be able at some time to prove it."

Mr. Hubbard, for the defense, stated that the prisoner was not ready for trial; that a boy who was telegraphed for as a witness came down, found Mr. Monroe in jail, and disappeared. Mr. Cox, the late sheriff of Kinston, was also expected to be a witness, but he left here Friday morning, promising to be back at night, but he did not come.

John T. Freeman, a former jailer in Lenoir County, was examined by R. F. Lehman, esq., and testified as follows:

I reside in Lenoir County; have lived there three years last January, or three next January, I don't remember which; one or the other. I am going on fifty-three years of age; I shall be fifty-three the thirteenth day of next January. I moved out from Craven up in Lenoir; I lived in Craven during the war. I was bred and born in Greene County, North Carolina; went from there to Pitt; from there to Craven, then to Lenoir. I have kept boarding-house in Kinston since I have been there; have tended a mill lately. I have been jailer there in Lenoir, at Kinston, about two years up to last court; about court week; a few days before court; about the time Mr. Cox went out of the office of sheriff; a few weeks before he resigned I quit the jailor's place. I did not live in the jail while I was jailer; I lived about a quarter of a mile from the jail, at a place called the St. Charles Hotel, if any of you know where that is. The jail was broken open several times while I was jailer; can't tell how many; I disremember. The time they took the prisoners out was on the 24th day of January, at night; I think in 1869; I think I have got it where I can tell, (refers to his memorandum book); I set down the dates when they were taken out. I had ten prisoners, I think, in the jail; those I remember are the ones which were taken out; I set their names down the next day, or I could not have remembered their names. This is the correct list, and I wrote it down next day, or day after, so that I should remember which they were which were stolen out. I kept the names of all prisoners in this book. The

CVIII CONDITION OF AFFAIRS IN THE SOUTHERN STATES

ones taken out were Richard Nobles, a white man; Robert Grady, colored; John Miller, colored; Cater Grady, (I spell it C-a-t-e-r, don't know whether I spell it right,) colored; Daniel Smith, colored. I think that was all. I think I had five left in the jail the next morning. William Hopps was in the same cell where they took the others out, next morning. I said, "Hallo, they didn't get you?" he said, "No; I covered myself up in the blankets, and they did not find me." That night, between twelve and one o'clock, I heard somebody knock at my house door. I got up, and a man said, "Get your keys; we have got a prisoner." I went out and said, "Where is your prisoner?" They said, "There he is;" pointing to two men on a horse, one wrapped up in ropes. The man said, "I think now we have got another one of those robbers." I said, "It will be a fine thing if you have." When we got to the jail the man said, "Get down, you d--d son of a b--h." They all came in. I lit a candle, and they said, "Let's take it." I handed it to one of them, and heard something go click, click. They said, "We are going to have these prisoners or your life. Give me your keys." They took the keys, and two went up stairs, and one stayed with me, with a pistol presented at my head. Just then I heard horses and men coming up to the jail, and saw twenty or twenty-five men. Those up stairs said, "We can't unlock the door; you will have to bring the old rascal up here." Two took me up, and I turned the bolt, and they took me away. I heard them tying the rope, and when they came out the prisoners were tied; the men had something hanging on their heads, and behind them came Mr. Monroe, who put his pistol through the grates and threatened them; don't know what he said. When they went out they said, "Captain, which way shall we go?" He said, "Toward the Stabbs place;" the man held me till they were gone, and then jumped on his horse and was off.

He repeated the story for the clerk to take the testimony, as follows.

Questioned by W. J. CLARKE, esq.:

On the night of the 24th of January, 1869, a man came to my door and knocked. I got up, and he said, "Come down, we have got a prisoner here." I went in and got the keys, and as I walked out on the porch, and he got on his horse, I said, "Where is your prisoner?" He said, "There he is," pointing to another horse where two men were on, the hindmost man having ropes all round him; I cannot say whether he was tied or no; then he started on to the jail. He said, "We have got another one of these robbers; I think we have got them all now." Said I, "If you have it's a fine thing." Said I, "Is he white or black?" He said, "He is a white man." I couldn't tell whether he was white or black; he was in the middle of the street and I was on the sidewalk; I think it was from ten to twelve steps from me to him. There was no more said, and he went on to the jail. When we got to the jail I unlocked the door and looked round at them; the man that came to my house first said to the prisoner, "Get down, you d--d son of a b--h, and come in here." He got down and they stepped into the jail and said, "Where are you going to put this prisoner?" I said, "I reckon I will put him with the rest." He asked me then, where the rest were. I said, "Up stairs, in a cell." He said, "Let's go up." I said, "Hold on, let's strike a light." As I was lighting the candle I heard the cocking of the pistols—click, click: I saw the pistols before in their hands; if the prisoner had a pistol I never saw it. As I lit the candle one of the men said, "Let me hold it for you;" and when he took hold of it another took me by the collar. I didn't know either of them; neither had anything on their faces; the ropes fell off the prisoner; the men had pistols pointed at me, and I was studying the men with the pistols and not the prisoner; he cut with his knife and commenced cutting the rope to pieces. I said, "What do you mean—you ain't going to tie me, are you?" Says he, "I am going to have those prisoners, or have your life, or be killed, one. If you make any alarm at all I shall kill you." I told him to take the pistol down, for I could keep just as still without its being held to my head, for he might accidentally pull the trigger too hard and shoot me bad; so he took it down and said, "Be careful and not make any disturbance." Two went up stairs, one of them being the prisoner, (I mean the one they told me was the prisoner;) the other kept hold of me; he never turned me loose all the time; they went up stairs, and they couldn't unlock the door; they hallooed down, "You will have to fetch that old rascal up here." They were speaking to the man that had hold of me; so one came running down stairs, and the one who had hold of me helped him to carry me up stairs; about that time I heard people running, horses' heels, and that like, come running up from behind the jail and from the market-house; there were some fifteen or twenty; they were all that number, I should think; all were armed, some with pistols and some with guns; they were out of doors; they never came in; they came up with horses. When they got me up stairs they ordered me to unlock the door, and I did it; as soon as I had unlocked it they shoved me away from the door and hallooed for more help; they came up, about three or four men; some had on old ragged clothes, and some had something tied over their heads; they were all disguised; I didn't know who they were; Mr. Monroe came up behind them—Lawyer Monroe, the gentleman who sits over there, (pointing to A. Monroe;) Mr. Monroe was not disguised; there were other men who

were not disguised; I did not know who they were. Mr. Monroe is all the man that I knew among the crowd who came in the jail; I have been knowing Mr. Monroe ever since he came to Kinston, perhaps six, eight, or twelve months, and have seen him often; sometimes I saw him two or three times a day, and then I wouldn't see him for a week; we met and talked frequently, oftentimes; I knew it was him—was satisfied of it; he had on the same clothes, I think, that night that he had on the day before; I think they were dark clothes; I saw his face; they had my candle; Monroe came within three or four steps of me in the passage; the candle was burning at the cell door, in the passage; he came within four or five steps of me; he looked round and saw me and shook his head at me, but said nothing; he turned round, walked down stairs, and I saw no more of him that night. Monroe went out of my sight before the prisoners were brought out of the cells. Then they took the prisoners out; I heard the jerks of the rope, and when they came out they were tied; they took them down stairs, and there was a crowd there to receive them. I could see the crowd out doors; I looked through the windows and saw them; some were on horses, some on foot; some one said, "Captain, which way shall we go?" The reply was, "Go toward the Stubbs place." They walked off, and left; they marched off; it was a moonlight night; Stubb's place is on the county road which leads out to the county bridge; Stubb's place is the last house in town going to the county bridge. I don't think there is another house beyond; Tom Preston lives at the Stubbs place; don't know for certain whether he lived there then or not; I reckon it is three-quarters of a mile from the Stubbs place to the county bridge; I think it is called a mile from the jail to the county bridge, as nearly as I can guess at it; you cannot see the county bridge from the jail; I don't know that you can see houses beyond the bridge from the jail, but I think you can stand in the street near the jail and see houses on the other side of the river; there are houses, bushes, and a corn-field between the county jail and the bridge. After they left the jail I heard the report of fire-arms; I think it was in the course of half an hour after they left the jail; I heard one report, like there was a sort of a volley fired off. I heard no other noise at that time; from the report the shooting appeared to me to be in the direction of the bridge. I think that the sheriff or one of the deputies were then present when I put the prisoners in jail; I can't tell which one; I have not seen the prisoners since they were taken out; I do not know what become of them except hearsay, and I don't suppose it worth while to state hearsays.

The defense did not care to question the witness.

AFTERNOON.

The witness, John T. Freeman, signed the evidence as taken.

WILLIAM HOPP, a witness for the State, being sworn and questioned by A. S. Seymour, esq., said: I live in Lenoir County at John Parrott's, five miles from Kinston. I have been living there about six months. I was bred and born in the county, and lived there all my life. I am acquainted with Mr. Monroe; have been knowing him about eight months. I see him in court. Yonder he is. (Pointing at him.) I was at Mr. Parrott's in January last passed. I know about the breaking of Lenoir County jail. I was in there. I know the men that came to let out the prisoners. I was in the cell with them. Bob Grady, Daniel Smith, John Miller, Richard Nobles, and Cater Grady were in the cell with me. These men came up the stairs to let the prisoners out. I know the men who came up there. Old Mr. Oliver Herring's son, Calvin, Mr. Simpson Harper, Daniel Stroud, and Mr. Monroe were the men. When they came in there they cut up these ropes and they tied these prisoners, and Bob Grady says to Mr. Harper, "What is you going to kill me for," and the answer was, "d—n you, I am not going to kill you; I am going to carry you down stairs, and you have got to tell me truth to night." They carried the four black men down first. They staid down there about twenty minutes, I reckon. They came back up there and got this Richard Nobles; he was white. After they came and got them all out, Mr. Freeman poked his head into the cell door and asked me if I knew any of the men, and I was afraid to tell him. I saw nothing more of the men who took the prisoners out. The answer was that I said to Mr. Freeman that I did not know them. Then he says to me, "You better not know them." The night the cell door was open the candle was just inside the door. Mr. Freeman was standing just inside the door; at the door. Mr. Monroe was standing outside the grating, and Mr. Calvin Herring, he was the man that had the candle. Simpson Hardy said to Bob Grady, "G—d d—n you, you have threatened burning me up long enough." When I saw Mr. Monroe he was standing outside, and got outside, and I didn't see any more of him; I didn't see any wrong of him. He walked back toward the steps, and I didn't see any more of him. I saw pistols drawn. They had them cocked, and had them close to their heads, and told them if they didn't hush hallooing they would blow their brains out. I saw Calvin Herring, Simpson Harper, and Mr. Monroe here with pistols drawn; Calvin Herring had his cocked inside the cell at the prisoner's head. Mr. Monroe had a pistol in his hand and held the end of it; it was down by his side. Simpson Harper, he had a pistol inside the cell with Calvin Herring, and

CX CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

had it cocked to the prisoner's head. I saw no other person inside the jail but those I have mentioned. I remained in jail three days after this. Egbert Davis sent a paper down to prove that there was no evidence against me at all. I have never seen any of them that were taken out since that time. I have been living at Mr. John H. Parrott's ever since my release from jail. Mr. John H. Parrott said that if I followed going to Kinston to see these detectives or loafers, that some of these nights I should not know anything.

Witness questioned by Judge THOMAS:

I don't know that I am afraid that my life would be taken. There are a good many who would do it if they could. I have heard that the Hill boys said they had a great mind to go up there and get me and kill me.

The witness signed the written account of the testimony.

WILLIAM WHITE, a witness for the State, was called and sworn. Questioned by Judge THOMAS, says: I know nothing about it.

Questioned by W. J. CLARKE, esq.:

I stay at a house in Kinston, belonging to Mr. R. F. Green, the superior court clerk of Lenoir County; I married his oldest daughter; I think I have resided there two years. My trade is anything which will pay me to work; I keep the records of the superior court clerk, whatever he tells me to write. I was born on the 10th of December, 1839; I was born not like Christ; I was born in a house. (Judge Thomas said, "Answer properly, or I will put you in jail.") The house I was born in is burned down; I have called it my home in Kinston; in January of the present year I don't know where I was; I was in Lenoir County; I was all over Kinston on the night of January 24, 1869; I was sort of rizzing round; I can't say that I crossed the court-house square on the night of January 24, 1869, I do not know that the jail in Kinston was broken open in the month of January last; I don't know what month it was; I have heard it was broken open, but don't know it; I have been stopped and halted at night by a band of men near the court-house square between 12 and 1 o'clock at night; I went so far as to draw my pistol on them, and I would have shot them, too; they asked me where I was going; he told me to halt; he asked me where I was going, and I said I was going home; I saw a crowd I supposed were men, about thirty yards from me; I should think there were about seventy-five men in the crowd; it was a bright moonshiny night; I put my pistol right on him; he said, "Halt;" I said, "Who is that?" he said, "Ain't that White?" I said, "Yes;" he asked where I was going; I said I was going home; he told me to go on; I did not know the man that halted me; no other words passed between us that I recollect of; I did not distinguish any one in the crowd; they then suffered me to go on; I went home; I went to my resting-place; I remained there all night; I heard no noise, except some rats running round the plastering; I heard no unusual noises outside the house that night; I was with Stevenson; he was coroner, and held an inquest over a dead body, in Neuse River, just below the bridge, a mile and a half below Kinston, and about half a mile below the bridge; I do not know whether it was a white man or a colored man; I was not on the jury; I was just down there; the body was a brown mulatto or a white man; he was light complected; there is no doubt it was the corpse of a man; it was very offensive, had a very offensive smell; it was a bright dark night—not moonlight; we got him out before the moon rose; we had a lantern; the coroner had; I went within a foot and a half of the body; did not examine the body, and saw no wounds; to the best of my knowledge and belief the hands of the corpse were tied; I don't recollect whether or not the feet were tied; I don't know what time in the year it was; have not the least idea how long it was after the jail-breaking; presume it was in the spring; saw another body at my beach, about five miles below Kinston; about two miles and a half below the bridge in a direct line; the body was that of a colored man; he had on common clothes like a laboring man; it looked like the hands were tied; from the position of the corpse I suppose the hands were tied above the head; I do not know what disposition was made of the body; I saw it in the water, about two hundred yards below my beach; I was not nearer than fifty yards to the body; I did not bring it to land, nor anybody else, to my knowledge; I saw one other body, down below the beach, about half a mile; it was in the water; I stood on the bank and looked at the body, about thirty yards distant; this was after the breaking of the prison, and after the night I was halted on the court-house square; this last body, I cannot tell whether it was that of a white or colored man; I did not observe whether the hands or feet were tied; saw nothing but his posterior extremities; I have no doubt that it was a human being; I don't know whether it is the corpse of a man or woman; it had on drawers like a man; I don't know that it is a usual thing to let bodies float down Neuse River without rescuing them; I told the coroner elect, William Loftin, that a body was in the river; I don't know that the prisoners were put in jail in January last.

CONDITION OF AFFAIRS IN THE SOUTHERN STATES. CXI

Not cross-examined by the defendants. When the evidence he had given was read to him by Judge Thomas he changed his evidence, and said:

I crossed the court-house square on the night of January 24, and was halted. I suppose I saw the second body about two weeks after I saw the first. The body on which an inquest was held I saw about two weeks after I saw the first body floating in the river. I saw the first two bodies about six days apart.

The witness signed the above-recited evidence.

THOMAS PARKER, (colored,) a witness for the State, being sworn and questioned by W. J. CLARKE, esq., said:

My name is Tom Parker; I am about 35 years of age; I live in Kinston, Lenoir County, North Carolina; I was living in Kinston last January; I saw a crowd of men in Kinston last January; I do not know what day; it was in the night; I think it was between 1 and 2 o'clock at night; I don't think it looked to be more than about twenty men in the crowd; I passed on the opposite side of the street from them; except Mr. Hill, he was same side of the street I was; they came out from between Mr. Patterson's store and the garden; they crossed over and went under the old market-house; the old market-house is about thirty yards from the jail, I reckon; some went on to the jail and some stopped under the old market-house; I do not know whether they were armed or not; one man had a pistol belted around him, and I did not see any arms excepting that; I didn't see them do anything but go to the jail in a very quiet manner; there was no particular order in their going; I heard no words spoken among them; I thought they were putting somebody in jail, as they had been doing off and on all day; all I know in jail were John Miller, a black man; Bob Grady, a black man; Cater Grady, a black man; a dark, pumpkin-colored man; he was five feet high, sort of a bat-hum'd man; he didn't walk right up and down like most men; he had knotty hair; he probably weighed about 125 or 130 pounds. Richard Nobles was in there; he was a white man. The crowd who went to the jail that I could was white men; I saw not a colored man among them. I went to the jail next morning; it did not look like it had been broken open; there was no sign on the door, and the bolt was not injured at all; I found one man there whom I knew; his name was Bill Hopp; Bob Grady, Cater Grady, and Richard Nobles were not there. Eight or ten days after the breaking of the jail I saw a dead body in the river about 100 or 150 yards below the bridge—Kinston bridge over the Neuse River; the bridge is about a mile, or a little over, from the jail; it was the body of a man; I went near enough to put my hand on the body; the skin was pretty much peeled off his face; he did not have skin as if he had lately died; the body was clothed with a pair of pantaloons and an undershirt; it appeared like a man who had been in the water a right smart of days; it looked water-soaked; it took the color out of his face; I did not know him, but it was said to be Cater Grady, and he used to belong to George Grady; George Grady said so; I see him (George Grady) every morning and evening; he hauls fish from the train; I saw him Monday, and, I think, Tuesday; I saw him the day before—day before yesterday; the body was about the size of Cater Grady.

The defense did not wish to cross-question the witness. He heard the evidence read as taken, and subscribed to it.

GEORGE W. TILTON, a witness for the State, being sworn and questioned by R. F. LEHMAN, esq., said:

I am thirty-four years of age; in the month of January last I resided near the river bridge of Kinston; I visited the Lenoir County jail in that month; I saw and conversed with prisoners lodged in Lenoir County jail in that month; the prisoners' names were as follows: Cater Grady, Daniel Smith, or Grady, (I know him by both names,) Robert Grady, John Miller, and Richard Nobles.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Richmond, Virginia, March 15, 1870.

Sir: I have the honor to transmit, for the information of the major general commanding the division; a copy of a report made by First Lieutenant Paul R. Hambrick, unattached, in relation to the troubles in Alamance County, North Carolina, heretofore reported in my communication of the 8th instant.

It is exceedingly difficult to get exact information upon any subject of this kind through the agency of any one who is known to be connected with the Army, and as Lieutenant Hambrick had an extensive acquaintance in that part of North Carolina, and knows personally many of the most prominent citizens of both political parties, I selected him for the purpose of making such investigation as would develop the actual state of facts, and determine as fully as possible the character and extent of the disorders that have occurred and are threatened.

CXII CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

His statement, both as to existing disorders and the disposition and power of the civil authorities to control them, may, I think, be fully relied upon; and as a measure of precaution I will send to Raleigh two companies of the Seventeenth Infantry, now in garrison near this city, which have been held in readiness for that service for several days past.

Of course these troops, as well as those now in North Carolina, can take no active measures in suppressing these disorders unless the President should authorize their employment for that purpose. But they may inspire the civil authorities with a greater degree of confidence than they now appear to possess, and their presence will at least afford to Union men a place of refuge from assassination and outrage.

Very respectfully, your obedient servant.

ED. R. S. CANBY,
Brevet Major General, Commanding.

The ASSISTANT ADJUTANT GENERAL,
Military Division of the Atlantic, Philadelphia, Pennsylvania.

RICHMOND, VIRGINIA, March 14, 1870.

GENERAL: In compliance with instructions received from you on the 9th instant, I have the honor to report that I visited the county of Alamance, in the State of North Carolina, and made a thorough investigation, as far as time and circumstances would allow, into and of the outrages reported to have been committed in said county by a party styling themselves Ku-Klux, &c., and I beg to respectfully submit the following report:

First. I find that there is a formidable body of men organized in said county composed of persons whose ages range from eighteen to thirty-five years, and are under thorough discipline and training, styling themselves "Constitutional Defenders," "Ku-Klux," &c.

Second. Their object appears to be to drive the colored and Union men of said county from the said county and State. This they accomplish by murder and corporal punishment.

This organization first commenced their hellish deeds by hanging two white men on the border of said county, where the county joins the counties of Orange and Chatham. These men were brothers, named Daniel and Jefferson Morrow.

Immediately after this double murder notices were served upon all republicans to leave the county and State at once, or they would meet a like fate.

On my arrival in Graham, I called upon the magistrates of the town, and from them learned the following facts: These gentlemen, Justices Albright and Harding, when these depredations first commenced, issued warrants for about a dozen of the gang, and had them arraigned for trial. So complete was the organization, these gentlemen found that it would be impossible to punish any of this Klan, because of the swift witnesses ready at all times to prove *alibi*, and they were compelled in every instance to dismiss the charges against them. Not one of them has ever been punished even with a day's imprisonment in the county jail.

I will now detail a few of the many cases brought to my notice while in Graham.

Besides the Morrow brothers, a white man residing in the southern part of the county, named Guy, has been hung; since then three colored men have met with the same fate.

Wyatt Outlaw was hung in the public square at Graham on the 26th of February, at night. This man was a colored mechanic, was honest and upright in all his dealings, and his only offense was that he was the leader of the Union League in said county. He was a carriage-maker, and his death is deeply felt by the good citizens of the county.

The morning after this murder (Sunday) his body was cut down by Sheriff Murray, taken to the court-house for inquest, and while there, in presence of this officer, indignities were offered the dead man by parties proffering the dead body a cigar.

The morning after the murder, a party of these outlaws called at the house of one William Puryear, in the southeastern part of the county, and demanded breakfast. They had removed the masks from their faces, but kept on their gowns. While at the table of this man, one of the party, who was under the influence of strong drink, openly boasted that he had placed the rope around the neck of said Wyatt Outlaw. This man, Puryear, was a poor, ignorant colored person, and after the party left reported the fact in the neighborhood. It was soon reported to the Klan, who, last week, returned to his house at night, took him from his bed, and evidently killed him, for fear the military authorities would gather the names of the parties concerned in Outlaw's murder.

While in Graham the death of a colored man was reported by the name of Sykes. This murder occurred a month since, but, through fear, parties having knowledge of

CONDITION OF AFFAIRS IN THE SOUTHERN STATES. CXIII

same did not report the case before. Many rumors of murder most foul are reaching the villages daily, of both white and colored.

Mince mutilations are daily occurrences. About ten days since a school-teacher named Caffin, a white man, teaching a colored school at the Company Shop, about three miles from Graham, was taken from his bed at night, and was most outrageously whipped. After the party had satiated themselves, they gave him five days to leave the State. He is now at Clover Depot, on the Richmond and Danville Railroad, suffering from injuries received at that time. They next went to Graham, and to the house of a Mr. Siddle, a white man, also a teacher of a colored school, and took him from his bed, and administered to him a very severe whipping, ordering him to leave the county and State at once. Since that day this man is missing. Whether he left or was murdered remains to be seen.

On Friday, the 4th instant, an old colored man named John Hoon, residing near Gibsonville, in said county, lost his wife, and at her burial on the Saturday following he placed a small national flag on her coffin. A ruffian present, named Simon Wagouer, said openly, that he "would stand no such d—d nonsense," and that "he would have that old negro attended to that night." He further stated, when some one called upon him to explain why it was the old man had used the flag, "that he had detailed four men, giving their names, to attend to the matter that night." Sure enough, four disguised persons did visit this old man's house, but he, fearing such visit, left. The week after the murder of Outlaw, Mr. Badham expressed himself rather freely regarding the murder, when a ruffian named Moore fell upon him and beat him outrageously, breaking one of the bones of Mr. Badham's leg. I mention these facts to show that these things are openly done, and no arrests are made.

While investigating at Graham, Friday, an old colored man came in and reported that he had received a very severe whipping the night before from the Ku-Klux. This old man, whose name is George Roppey, told a very straight and pitiful story. He said that last week he visited the camp of the soldiers, and after getting home was sitting reflecting about leaving the country, when the party, some dozen, broke his door open, rushed in and seized him, took him to the woods, and while one of their number held his head between the knees of one of them, the rest struck him twenty-five lashes apiece with a leather strap; that while in this position, to use his own language, he gave "a powerful lunge," and throw the man holding him into the boughs of a tree which had been felled for lumber. After the party had beat him they left him, and he peked up a spur which the man holding him lost among the boughs when he fell. This spur is recognized as the property of one Dr. Thomas Lutton. It is a peculiar, large spur, and is well known. This man Roppey was whipped because he visited the camp of Seventeenth detachment the day before.

They have served notices on every Union man in the county, and have even gone so far as to serve notices on Judge Tourgee and others, at Greensboro'.

They now swear openly that they will cause the death of every Union man in Graham. At present the Yankee soldiers are withdrawn, unless said persons go with said soldiers.

I conversed with colored and white men who confessed that they had not slept in their houses for four weeks.

The organization is complete; it extends to every part of the country, and nothing can be said or done without their knowledge. They are well drilled, have regular commanders, who issue orders which are obeyed with alacrity. There are four known commanders in Alamance County, one at each of the cardinal points, and known as the north, south, east, and west commanders. They have regular signs and grips and also words, and are bound by oaths to deliver any of the order who should be so unfortunate as to fall into the clutches of the law. Two of the head villains are known in this county, Simon Wagner, commanding the north, and Adolphus Moore, commanding the south. These two have expressed themselves in language unmistakable. The night they murdered Wyatt Outlaw they paraded the streets of Graham, going through many evolutions, and at last brought up in front of Squire Albright's house, but it is supposed that they were deterred from entering the same, as the matter had spread through the place and a large crowd of citizens had assembled. It is estimated by good judges that there were at least one hundred of the party, many say more, none less. It was the largest demonstration ever made of the klan in North Carolina. What their intentions were besides the murder of Outlaw is unknown, but from their number and the many notices served on Justice Albright and Hardin, the presumption is that more mischief was intended.

It is impossible, as stated, to bring them to justice before the civil authorities. This is acknowledged by Judge Tourgee, Justice Albright, Hardin, and others. Their witnesses will swear to anything to clear a member. The declaration of martial law has only maddened them. They say openly that they defy Holder, and all his aid. Lieutenant McTaggart says he has force enough to prevent further raids on Graham and the Company Shop, and yet parties are badly whipped every night within five and ten miles of Graham. If possible a company of cavalry should be sent to the county.

CXIV CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

and cause the same to be patrolled nightly, with power to arrest all suspicious characters.

This is the wish of all good citizens with whom I met at the Shops. I conversed with Mr. G. M. Lee, the treasurer of the North Carolina road, and he expressed it as his opinion that the only way to allay the excited feelings of the negroes and white Union people was to send more troops. Militia will not answer, for if you enroll the militia of this county, over one half of those enrolled would be members of the organization. If these desperadoes are to be punished, nothing short of a military court will answer. If Governor Holden has the authority to convene a court of militia officers, chosen from other portions of the State, and delegate to them power to try and punish these offenders, then perhaps they would get a fair trial, and justice would be meted out to them. But it is all folly and time thrown away to send them before the civil authorities.

There is one fact clearly established: that is, that there is such an organization in said county; that it is composed in part of men who have heretofore stood high in the county; that they are completely organized, and that they have murdered innocent citizens and mutilated others too numerous to mention.

I am, general, most respectfully, your obedient servant,

PAUL R. HAMBRIK,
First Lieutenant United States Army.

Major General E. R. S. CANBY,
Commanding Department of Virginia.

A true copy:

LOUIS V. CAZIARC,
Acting Assistant Adjutant General.

HEADQUARTERS MILITARY DIVISION OF THE ATLANTIC,
Philadelphia, Pa., March 18, 1870.

Respectfully forwarded to the Adjutant General of the Army, for the information of the General-in-Chief. I have informed Briget Major General Canby that I approve the course pursued by him.

GEO. G. MEADE,
Major General Commanding.

HEADQUARTERS OF THE ARMY,
Washington, D. C., March 22, 1870.

Respectfully submitted to the Secretary of War, for the President.

W. T. SHERMAN, General.

Official copies:

E. D. TOWNSEND,
Adjutant General.

TESTIMONY.

CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

NORTH CAROLINA.

WASHINGTON, D. C., January 24, 1871.

JOSEPH W. HOLDEN sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?

Answer. In Raleigh, North Carolina.

Question. What is your occupation?

Answer. I am an editor.

Question. What positions have you occupied during the last three or four years?

Answer. I have been a member of the North Carolina State legislature, and speaker of the house of representatives; after which I was the editor of the North Carolina Standard, a republican paper, published in Raleigh, which paper expired when I left the control of it, last fall.

Question. Will you state to this committee your knowledge and observation of the state of affairs in the State of North Carolina, so far as regards the security of persons and property in that State?

Answer. There have been numerous outrages committed in that State by bands of men in disguise. In certain portions of the State citizens of one class of political opinions have not felt safe either in their persons or property; murders have been committed, also maimings, mutilations, and scourgings. I have myself seen persons who have been whipped, and I have seen the relatives of persons killed who came to the city of Raleigh to obtain protection from the governor. I was present in the legislature when bills for their protection were discussed and passed, and I know that the vote upon them was a strictly party vote. As editor of the Standard I was called upon to publish many descriptions of these outrages, and the testimony of many witnesses in regard to them. It was then my opinion, as it is now, that life and property are unsafe in certain sections of the State of North Carolina, and that unless these bands of disguised men are checked in their operations, in a few years there will be no security for life or property in that State.

Question. Will you state in what portions of North Carolina you consider that to be the case at this time, and what is the information upon which your statement is founded?

Answer. The counties of Alamance, Orange, Moore, Caswell, Lincoln, and Cleveland are the counties in which the most of these outrages have been committed, though they have been committed in a greater or less degree in at least two-thirds of the counties of the State. The information upon which I have this statement has been obtained from letters, the statements of leading public men made to me, and my general knowledge, as an editor, of affairs throughout the State, as well as from debates in the legislature, testimony taken before Chief Justice Pearson, and the confessions of members of the Ku-Klux Klan, which I have heard, and the actual view and sight of persons who have been scourged and otherwise outraged.

Question. Can you give us the names of responsible persons, persons of veracity in the several counties, who have communicated information of this character to you?

Answer. I could obtain the names of persons and the dates of the outrages from the files of my paper, and from other sources which are not now at hand. The most of those who were whipped, with a few exceptions, were obscure men, negroes who have no redress of grievances, ignorant persons; and if white men, farmers, living at a distance from the principal towns. I do not know the names, but there is a record of many of them in the executive department of the State. The leading men in the different counties know and can give their names.

Question. Upon what do you base your statement that the outrages committed by these persons have been because of their political opinions?

Answer. It is because they have been almost uniformly republicans; and the outrages were accompanied by threats that if they voted the republican ticket the outrages would be repeated, or they would be allowed to vote no longer. The outrages with the accompanying threats were regarded as intimidations. The witnesses state that such has been almost invariably the case.

Question. Have you any knowledge of efforts having been made to bring to justice the persons charged with having committed these outrages; and, if so, with what results?

Answer. The courts despaired; that is, the judges saw that the grand juries would not bring in indictments, and the solicitors saw that they could not prosecute with any hope of obtaining convictions. It was therefore determined last summer to inaugurate a movement to have those persons arrested by military law. The two counties of Alamance and Caswell were declared in insurrection; militia was raised, and the Government of the United States was applied to for assistance, and United States troops were sent into the State. Arrests were made; but there is a provision in our State constitution forbidding the suspension of the writ of habeas corpus. The district judge, Judge Brooks, issued writs of habeas corpus in the cases of a portion of the persons arrested, and in the custody of Colonel Kirk of the State militia, and when they were brought up for a hearing before the judge, at Salisbury, they were released. The rest of the persons arrested were brought before Chief Justice Pearson, who bound over a portion of them to answer in their various counties. The grand juries of those counties have since sat and all those cases have been dismissed. A portion of the oaths taken by the members of these organizations requires perjury on the witness-stand and in the jury-box; and from the way in which our juries have been called in our State it has been impossible to secure convictions in the cases of those men. If the sheriff is a member of the Klan, or if the county commissioners, who form the jury, are members of the Klan, the jury will be more or less impregnated with members of this Klan. And a part of the oath of these persons is, if there is an important trial going on, to hang around the sheriff in the court-house, so that they may be summoned and placed on the jury.

Question. Do you make that statement from the confessions which you have referred to as having heard yourself?

Answer. Yes, sir; from those confessions, and from evidence obtained from witnesses in the Lenoir County case, and also from the evidence adduced in the trial before his honor, Chief Justice Pearson, in the preliminary examinations before him in the capacity of a magistrate.

Question. What are the names of the persons referred to by you as having made these confessions?

Answer. James E. Boyd and John W. Long, of Alamance county, were two of those who confessed. And there were a large number of others whose confessions have been printed and laid before the Senate.

Question. What was the date?

Answer. The trials were had last summer; the exact date I do not now remember.

Question. To what extent does that state of things now continue in the counties to which you have referred?

Answer. I have received a letter from my father stating that information had been received that the Ku-Klux Klan was still riding in Guilford and Alamance Counties. I would state that it has been almost impossible to gather information on this subject, as there are only about half a dozen newspapers in the State of North Carolina disposed to publish the facts concerning these outrages. The rest of the newspapers, at least up to the time of this investigation, denied the existence of any such organization as the Ku-Klux Klan; and when they did publish the account of any outrage they either justified it or apologized for it. The opposition newspapers have not published or given credence or belief to any of the accounts of outrages, though persons with the wounds upon their bodies have been in the public market-places of North Carolina exhibiting their wounds, and the weapons with which they have been scourged and outraged. In all the State of North Carolina there has been captured but one of the costumes of the Ku-Klux Klan. It is home-made, constructed out of common material, and hideous in appearance.

Question. Do you speak of it from a personal inspection of it?

Answer. From a personal inspection of it.

Question. Will you give a description of it?

Answer. The costume is a long gown with loose flowing sleeves, with a hood, in which the apertures for the eyes, nose, and mouth are trimmed with some red material. The hood has three horns, made out of some common cotton-stuff, in shape something like candy bags, and stuffed, and wrapped with red strings, the horns standing out on the front and the sides of the hood. When the costume is worn by a person he is completely disguised by it. He does not speak in his natural tone of voice, and uses a mystical style of language, and is armed with a revolver, a knife, or a stick. In some instances where they have ridden through neighborhoods they have disguised their horses so

that even they should not be recognized. A gentleman from the western portion of Wake County came in and complained to me, stating that they had called at his house, disguised, when he was absent; that his wife saw them, and he himself saw them afterward; that the disguises were of different colors; that they were not all red nor all alike, but that they were all hideous, and that it was almost impossible to identify any of those who wore them.

Question. What evidence have you that this costume of which you speak was one used by members of this organization?

Answer. It was captured by Colonel Bergen, an officer of the militia, and brought down to the city of Raleigh, where it was identified by two members of the Klan as one of the costumes of the organization. Those who had made confessions, James E. Boyd and others, saw it, and said that to the best of their knowledge and belief it was one of their costumes. It was in the executive office, and no denial was made that it was one of the costumes of this organization.

Question. Have you yourself been in either of the counties you have named?

Answer. I have canvassed Caswell County, and I resided for three or four months in the fall in the adjoining county of Rockingham, studying law. At that time outrages were being committed in that county; a colored woman was murdered, and a colored man was shot, and whipped, and driven from the county. A justice of the supreme court declared that it was a shame that the county in which he resided should be disgraced by these outrages.

By Mr. BAYARD:

Question. What is the name of that judge?

Answer. Judge Settle; and as other magistrates would not take hold of the matter because of intimidation and the fear of consequences, and also because of a lack of a sufficient knowledge of the law, Judge Settle consented to act as a magistrate. He went to the town of Wentworth, the county seat, summoned witnesses, had a preliminary examination, and bound several parties over to appear at the next term of court, at which term, however, the grand jury failed to find any bill against them. The ground upon which he bound the parties over was that one of them was identified by means of a wound in his hand, but he proved an alibi. That is the common way with them of doing it; they always prove an alibi on trial. Another was identified by his voice, another by his walk. The witnesses were all colored persons, and although they could not swear positively that they were the persons who had committed the outrages, under the circumstances the judge bound the parties over. I was then present in that county, and it was understood that from that day the organization in that county was dissolved; at all events, that was the rumor. In the mean time, the call for the militia had been made in that county, and the adjutant general went up there to inspect it and to ascertain if there was any use for it.

By the CHAIRMAN:

Question. You have stated that the persons outraged were all of one political party; state plainly the party to which you allege those persons belonged, and the party, if you know it, to which belonged those who are charged with having committed the outrages.

Answer. The persons whipped by the Ku-Klux Klan belonged to the republican party; and they were whipped just prior to the election, for the purpose of intimidating them from voting, or for the purpose of driving them out of the counties, so as to break down the republican majorities in those counties. There have been cases reported, of which I am not personally aware, of parties, not republicans, who were whipped by men in disguise. There also were three or four negroes in disguise, taken in the county of Alamance, engaged in robbing. But those things were merely imitations of the Ku-Klux Klan—matters of private revenge that did not extend to any distance, that were merely local and temporary; the others have extended, more or less, all over the State, for years.

Question. Where murders and breaches of the peace have been committed, arising out of other than political causes, is there any difficulty in administering justice in the courts of North Carolina?

Answer. Not particularly, that I am aware of; though I believe that if I were to be tried in certain counties of that State, I could not obtain justice at the hands of those men, where they controlled the counties.

By Mr. BAYARD:

Question. You are a son of Governor William W. Holden?

Answer. Yes, sir.

Question. Do you occupy any official position under him?

Answer. I do not now.

Question. When did you cease to hold any official position under him?

Answer. I never held any office under him. I was State printer at the time the legislature met, and they abolished the office.

Question. [Handing the witness a printed copy of the third annual message of the governor of the State of North Carolina.] Is this an official document?

Answer. It is, and I printed it. There is an appendix to that document.

Question. Did I understand you correctly as saying that the testimony upon which you founded your statement as to the existence of this Klan and of the confessions of its members, is that set forth in the evidence taken before Chief Justice Pearson, and also in what was termed the Lenoir County case?

Answer. Yes, sir, and in the statements of persons who have been whipped, and in other official documentary evidence now in the executive office in the city of Raleigh.

Question. There is other evidence besides this?

Answer. Yes, sir; a large amount of evidence.

Question. How long were you the State printer?

Answer. I was elected in March, 1870, before the legislature adjourned.

Question. Have you a copy of the election laws of the State of North Carolina, or can you furnish a copy to this committee?

Answer. I suppose I could obtain a copy by writing to the State for it. I was elected State printer by the legislature. It became necessary for a change to be made in the editorial department of the North Carolina Standard; I resigned my place as speaker of the house of representatives, became the editor of the paper, and was elected State printer for one year. But the office was abolished by law, and my successor has now been elected and qualified.

Question. Were the laws, to which you have referred, which controlled the selection of jurors by the sheriff of the county, passed by a legislature of the party to which you are attached?

Answer. I think those laws were the old common law adapted by the code commissioners to the new constitution. After the new constitution was adopted many fundamental changes were made in county government. For instance, the old county court was abolished, and in its place county commissioners were substituted, with every power of the old county court, except the judicial power. For that reason, and for other reasons, commissioners were appointed to codify the laws and adapt them to the new constitution. The county commissioners, I believe, have the power to prepare the list of jurors to be drawn for the superior courts.

Question. That was the law?

Answer. That was the law.

Question. When did it become lawful for the sheriff to select the jurors?

Answer. He has authority to select a juror only in case one is wanting; to call in one on the spur of the moment, to make up a jury, either grand jury or trial jury.

Question. Then the regular jury panel is summoned not by the sheriff at his discretion, but by the county commissioners?

Answer. By the county commissioners; but the sheriff calls jurors in cases of emergency.

Question. Have the election laws of North Carolina been changed since the war?

Answer. Yes, sir; they have undergone changes from time to time since 1865. A system of registration has been introduced since the reconstruction acts of Congress of 1867.

Question. Will you describe that system?

Answer. The county commissioners appoint registrars for each township in the county, who open books and put on them the names of voters. The qualifications of voters, I think, are, so far as residence is concerned, twelve months' residence in the State and thirty days' residence in the county. The challengers of either party can be present while the registration is going on; there is no restriction as to that. The oath which is administered is one to support the constitution and laws of the State of North Carolina and also the Constitution and laws of the United States. However, in the wording of the oath, the constitution and laws of the State are made subordinate to the Constitution and laws of the United States; at least that is the inference from the form of the oath. The registration lists are open for inspection. Upon the day of election the poll-holders take the books, upon which the names of the registered voters are arranged in alphabetical order; lines of voters are formed, and as a voter comes up and calls out his name, it is checked off on the books, and his ballot is taken and deposited in the ballot-box. Challengers are present, who see that the names are properly checked off.

Question. Is the registration kept open until the day of election?

Answer. That is my recollection, and that a voter can register on the day of election.

Question. By whom are the county commissioners chosen?

Answer. They are elected by the people of the counties, and the registrars are now chosen by the county commissioners.

Question. How many registrars are chosen for each township?

Answer. I do not recollect the exact number. I think they are chosen in proportion to the number of the population, for there must be a larger number of registrars in the cities than in the smaller towns. I suppose there would not be less than three registrars for any one township.

Question. Have you stated all the qualifications required of voters for registration?

Answer. I will not be positive in regard to the number of days' residence in the county which is required. There is only one restriction in the qualifications for registration; that is disfranchisement for crime. At the time of the adoption of the new State constitution every man was enfranchised. It has only been since then that certain felonies have been declared sufficient to debar a man from the right to vote. Every man in North Carolina who has not been convicted of felony since the adoption of the new State constitution is now entitled to vote, though, by force of the Federal Constitution, all of them are not now capable of holding office.

WASHINGTON, D. C., January 27, 1871.

GEORGE W. KIRK sworn and examined.

By the CHAIRMAN:

Question. State your age, residence, and present occupation.

Answer. I am 34 years old. I reside in Washington County, Tennessee; by occupation, principally, a farmer.

Question. State whether you were placed in command of the North Carolina State militia during the past year; and if so, under what circumstances.

Answer. I was placed in command of the second regiment, detached militia, on or about the 21st or 22d of June, 1870.

Question. By whom?

Answer. By Governor W. W. Holden.

Question. State into what part of the State you were sent, the condition in which you found the population, what measures you took, how long you remained, and, in brief, all your operations while you were in command of the State militia.

Answer. I was at Washington, D. C., when I received the commission, on the 18th of June; I went to Raleigh; I arrived there on the 21st of June; there were some troops then at Raleigh, but I had to raise a regiment myself; I was ordered to the western part of the State; I recruited a regiment and returned; I arrived at Salisbury, I think, the 7th or 8th of July, with a part of my command; I was then ordered, by telegram, to report at Company's Shops, near Graham, Alamance County; I placed my men in camp, and, I believe, on Monday I reported in person at Raleigh to Governor Holden, and had a council with him; I then returned with orders from the governor, and instructions that Stephen A. Douglas would be up the next day with some positive orders in regard to persons I was to arrest; on the next day I arrived with my special orders for the arrest of a great number of persons in Alamance and Caswell Counties; I arrested, in Graham, Alamance County, Albert Murry, sheriff, Adolphus G. Moore, D. W. Weedon, J. Rich Ireland, James T. Hunter, James S. Scott, Henderson Scott, and James E. Boyd; I reported to the governor that I had arrested these men according to his orders; I was then ordered to move, with a larger portion of my command, to Yanceyville, Caswell County, and take command of the public buildings, the court-house, jail, &c.; on my way I arrested Demosthenes Rainey, who was charged with whipping William J. Ward, of Caswell County; on coming within a mile or so of Yanceyville, I learned that there was a political meeting held in the court-house, and that the greater number that I had been ordered to arrest were within, and that they would go away if they knew of our approach. So I sent Lieutenant Colonel Bergen with a detachment of men in advance, and he surrounded the court-house. I gave him orders to admit any person to pass into the court-house who desired, but not to let any person pass out till I reached Yanceyville. When I arrived there I proceeded to the arrest of Jesse C. Griffith, sheriff, J. R. Fowler, Yancy Jones, L. M. Totten, James C. Williamson, Brazillat Graves, Dr. A. S. Yancy, N. M. Roan, Robert A. Roan, Peter W. Williamson, John Kerr, Samuel P. Hill, Zachariah Hooper, James N. Neal, Felix Roan, L. H. Gunn, Thomas J. Womack, John B. Blackwell, William G. Chandler, A. A. Mitchell, James T. Mitchell, F. A. Wiley, and William B. Bowe; I held them for trial until I received orders to parole what persons I could confide in; I paroled several of the men; those that I had evidence against I kept, and brought them on with me to Company's Shops. There I received a telegram to obey the writ that had been served on me then from Judge Brooks, of the United States district court; I took one of the prisoners that his writ covered to Salisbury, and as soon as I made the return, I was telegraphed to bring Pearson's prisoners to Raleigh, and I did so.

Question. Whom do you mean by them?

Answer. There had been a writ served on me previous to the one served on me by Judge Brooks, and I was directed by the governor to make return of the prisoners that the writ had been served on from Chief Justice Pearson's court, and I made a return of them at Raleigh.

Question. And of the remainder to Judge Brooks?

Answer. Yes, sir. I made no further arrests. I had no order to make any after that time. Then when I got to Raleigh I was sued by James S. Scott and J. Rich Ireland

for some \$28,000 damages; sued as a non-resident in the United States district court, for arrest and false imprisonment. The marshal did not require me to give any bonds; he allowed me to go on my own recognizance to my command, under promise that I would report whenever called upon. I went to Graham and remained with my regiment until the muster out, about the 21st or 22d of September, I believe. There were a great many writs out against me by those persons, and I had to stay very close with my men. I considered myself a prisoner under the United States marshal, and claimed protection under him. After the men were all mustered out and sent home, I was left there alone, with my wife and two children and my brother with me. I very well know that my life was in danger. So, according to an understanding with Captain Greene, at Company's Shops, master of transportation of the North Carolina Railroad, he was ordered to arrest me by a United States marshal and bring me down to Raleigh. By that means I got through. If I had not been arrested by the United States marshal I would not have got through. When I arrived at Hillsboro, Sheriff Turner was there with at least thirty men, with shot-guns and pistols, to arrest me and take me off the train; all no doubt Ku-Klux. The captain met him at the door. He placed a guard at each door of the ladies' car—each end of it—with orders not to let any person pass out. He then went around to the engineer and ordered him not to move the train till I was found on the train and arrested. The marshal told him I was under his charge and his prisoner and they could not take me off the train. The men outside then commenced swearing and wanted to take me out anyhow. I was sitting there with my family. The train was ordered to move; they hung on to the train till it was under headway, swearing and cursing because they had been defeated. I reached Raleigh and remained there till the district court sat, and my case was thrown out; then I returned to Tennessee.

Question. What do you mean by thrown out?

Answer. Thrown out of court, and I was released.

Question. By the action of the court?

Answer. Yes, sir; by Judge Bond.

By Mr. BAYARD.

Question. That is, in the suit brought by Captain Greene?

Answer. No, no; Captain Greene was ordered by the United States marshal to bring me down, to save me from being killed.

By the CHAIRMAN:

Question. You refer to the previous suit brought against you?

Answer. Yes, sir; the suit brought against me when I came to Raleigh with my prisoners. They then served writs on me, and I remained in the custody of the marshal from August till the first of December. I had to have a guard with me at my house to keep them off. I was in danger all the time.

Question. Are you through with your continuous statement?

Answer. I believe I omitted one thing. I learned at Company's Shops, and also at Graham, from the loyal citizens there, that some thirty-five or forty persons had been shot and killed by the Ku-Klux in the different counties of the State. I have here a memorandum of some of the names. Part of the paper is gone. Among the names are John W. Stevenson, Wyatt Outlaw, Colonel Colgrove, William Puryear, Robin Jacobs, a Mr. Grant, and two McLeods.

Question. Go on and finish your statement, if you have anything more to say.

Answer. At Yanceyville the prisoners were kept in the upper part of the court-house. Their friends had access to them whenever they wanted. They were treated kindly and humanely; had everything in the way of provisions they could wish for. My orders were strict, and I charged the men strictly always to treat them kindly and humanely. There was no one in my presence ever mistreated. They were all treated as I would wish to be treated myself. No one was ill-used in my presence. And as to the citizens outside, they were all treated courteously and kindly. Such were my orders from the governor and my orders to my subordinate officers—to keep the peace.

Question. Did you meet any persons who complained of having been wronged or injured; if so, what statement did they make?

Answer. There were a great many complaints brought in to me by the loyal citizens, both colored and white, that they had been mistreated, trampled down, could not get any justice at all. For instance, Caswell Holt, of Alamance County, had been severely whipped by the Ku-Klux. He thought he recognized some of those who did it, and had them arrested and brought before the justice of the peace in the county. On the trial they proved that they were away; proved themselves clear, and then they went and shot him. They broke his door down and shot him. He was taken in by the commissioner and nursed till he got well. I saw him—saw the wounds on his back where he was shot.

Question. Were those his statements to you?

Answer. Yes, sir, and the statements of Harden, and Albright, and of James Boyd,

and John W. Long, who were Ku-Klux, and various other persons. There were a great many of these things that I cannot now remember; my mind has been off them since I have been here.

Question. Were the statements made by persons who you say were Ku-Klux?

Answer. Statements made by those who were arrested and acknowledged themselves Ku-Klux.

Question. State who they were and what acknowledgments they made?

Answer. James E. Boyd made a confession; so did John W. Long, W. S. Bradshaw, and Mr. Woods. Here is a part of the confession.

Question. Was it reduced to writing?

Answer. Yes, sir; the paper has been torn. The clerk of the court took it.

Question. Was it made in your presence?

Answer. Yes, sir; I heard him make it. A part of it is gone, I discover.

Question. Did those other persons of whom you spoke make a confession, also?

Answer. Yes, sir.

Question. Did they state what the general purpose of the organization which you call Ku-Klux was, and the means by which that purpose was to be effected?

Answer. I do not know that I can recollect their language exactly, and I do not recollect the oath. Here is a more important confession, which no person has seen but myself. I did not know that I had it. It is by James E. Boyd, in his own handwriting. He made it himself, and swore to it.

(Affidavit of James E. Boyd, read in evidence and appended.)

The secrets of an organization known as the White Brotherhood were revealed to me by Jacob A. Long, in Graham, North Carolina, in November, 1868. I was in his room one morning, and he approached me in these words: "I understand that there are some Ku-Klux in this county; will you pledge yourself to keep the secrets if they are revealed to you?" I replied in the affirmative. He then proceeded to read to me the obligations, the exact words of which I do not remember, but in substance, that I would be faithful to the Brotherhood, and perform such orders as might be made by the proper authority. He further said that the objects of the organization were to control the politics of the county, and to take in charge cases where outrages were committed in which the law proved inadequate. He said that Andrew Johnson, then President of the United States, was the grand head-center of the organization, and that N. B. Forrest, of Tennessee, was one of the leaders. He said that Obed McMichael, of Guilford County, had commissioned him to get up the organization in Alamance. He then informed me that the sign of the order was made to a party by sliding the right hand down the left coat-collar, and was returned by making the same movement with the left hand upon the opposite collar. The sign was given in shaking hands by pressing the forefinger upon the back part of the palm, and was returned by pressing the thumb and forefinger upon the middle finger between the second joint and the hand. The word of distress was Shiloh. This is about all I now remember about the sign, though I am satisfied that the same organization in different sections had different signs of recognition. At the time I was made acquainted with the secrets of the order, Mr. Long informed me that he was chief of the county, and that he had already enrolled quite a number. I told him I hoped that he would confine it to lawful purposes. I know that the following persons belonged to that organization: J. A. Moore, James A. Turrentine, A. G. Moore, James T. Hunter, J. L. Scott, (brother of the prisoner,) Robert Hanner, John S. Dixon, James L. McAdams, C. C. Curtis, John R. Stockard, Joseph Clendenin, W. S. Bradshaw, James Bradshaw, David Meban, Samuel Scott, Murphy Andrews, George T. Bason. The above-named parties have told me that they belonged to it. Shortly after the thing was organized in my county, a man by the name of Caswell Holt was whipped, and a coffin put at the door of Joseph McAdams, esq. I then saw the friends of the organization, and Mr. G. F. Bason and myself consanited together, and went and advised Mr. Long to disband it at once, which he promised us to do. Whether he did or not I am not informed, as I did not attend any of his meetings. I never have known of any of the outrages which have been committed until afterwards. Pretty soon after the organization was started in my county, I saw its tendency, and became satisfied that, if persisted in, it would destroy the country. I was confirmed in this conclusion by a letter which was written by the late Chief Justice Ruffin to son, Dr. J. K. Ruffin, which I was permitted to see, and of which Mr. Bason now has a copy. I therefore dissolved my connection with it as far as possible, and would not allow myself, when I could avoid it, to know anything about its doings. About twelve months ago I learned of a plan to whip W. R. Albright. I set about immediately, together with Mr. Bason, and, through W. S. Bradshaw, we succeeded in getting it stopped. It also came to my ears in December last that there was a party coming from Orange to punish Senator I. M. Shoffner. I went immediately and saw Dr. Moore, and asked him to have it stopped, if he possibly could. I told him to go, and if he could see the parties, to inform them that Mr. Shoffner was not at home. He went and informed me afterward that he found at the house of Isaac Bradshaw F. N. Strudwick and A. Hedgepath, of Hillsboro, and several others, who had

met for the purpose above mentioned. He told them that Mr. Shofner was absent, and they did not go. I knew nothing of the hanging of Wyatt Outlaw until after it was done. Since then a young man named White, son of Thomas White, said to me on the street in Graham the following words: "I understand that the soldiers have got the names of sixteen of us fellows who were over here the other night." I replied that I did not know. John Hancock asked me which tree Wyatt was hung upon. I pointed it out to him. He said he thought that one looked like it. T. T. Turner, in a conversation in Graham, spoke in terms that makes me believe that he is one of the murderers of Outlaw. So did James Bradshaw. James T. Hunter told me, since the body of Puryear was found, that William Patton was one of the men that Puryear saw returning from the hanging of Outlaw. A. G. Moore has told me that he headed the crowd which came through Graham in 1869 and fired into houses. I am satisfied that Albert Murray and J. S. Scott belong to the organization. I do not know as to H. Scott or J. R. Ireland. James A. J. Patterson, of Alamance County, informed me that he was captain of a detachment in the south part of the county, and that he belonged to a clan of which Josiah Turner was chief in this State. Josiah Turner informed me at the railroad meeting at Hillsboro that the Ku-Klux would make a raid on the night before the election, and would visit the houses of colored men, and notify them that if they went to the election the Ku-Klux would meet them on the way. Dr. Moore told me that Philo Durham, H. C. Jones, T. M. Argo, T. J. Jones, and in fact nearly all the democratic members of the last legislature belonged to these organizations. Thomas Grey, of Company's Shops, was leading the crowd which whipped Caswell Holt in Alamance. In making arrests for the murder of Outlaw, it would be well to take Jack Thompson and Jesse Thompson. I have been told that there was forty thousand Ku-Klux in Tennessee, headed by General Forrest. I have also been informed that there is a considerable number of them in Gullford. I know that W. N. Stumer and I. B. Gretter, of Greensboro, belong to them; these organizations are called White Brotherhoods, Constitutional Guards, &c., so that if one of them is arrested and put upon the witness stand he will, if asked if he belongs to the Ku-Klux, say not, because such is not the name of the organization. Dr. Moore further informed me that the sign of the organization in the western part of the State was given by running the forefinger carelessly under the hair behind the right ear. If the other party was a member, he returned it in the same way. A sign of another branch of the organization is to fold the arms across the breast, which is returned in the same way. Another, by slipping the right hand under the front of the vest or shirt, which is returned with the other hand in the same way.

JAMES E. BOYD.

Sworn and subscribed before me, July 19, 1870.

GEO. W. KIRK,

Colonel, Commanding Second Regiment State Troops.

T. T. Turner said to me in Graham, a few days after Outlaw was hanged, that one man had been hung, and that Peter Harden would go up in a few days—that the boys were bent on killing him.

I am of the opinion that Murphy Andrews was one of the party who placed the coffin at Joseph McAdam's door.

JAS. E. BOYD.

Sworn and subscribed before me, July 14, 1870.

GEO. W. KIRK,

Colonel, Commanding Second Regiment North Carolina State Troops.

Question. In the verbal statements made to you outside of that paper, was there any acknowledgment of any political purpose against either the State or National Government entertained by this organization called Ku-Klux? If so, tell us what it was.

Answer. Well, sir, it was stated to me—but I cannot say who made the statement, there were so many of them that talked and made confessions—it was stated to me by several of them that the organization was to break up both the State and the Federal Government—that is, the republican form of government—the radical government, they said, and to do all in their power to defeat any person who was in favor of the colored race in any shape or form; and that they were to resort to any measures to carry their elections.

Question. Was there any statement made as to the manner in which the measures were to be taken?

Answer. All the members of the clan were governed by orders originating in council, and it made no difference what those orders might be, they had to carry them out at the penalty of their life. If any member was detailed to murder a certain man and he did not do it, his life paid the penalty. That statement was given by nearly every Ku-Klux that was arrested who said anything at all. The council decreed the death of William A. Allbright; but I believe Mr. Boyd and Mr. Bason went to work and stopped

it; and also Harden, because they were leading republicans. That was the only thing they had against them.

Question. What was the form of the organization; how many grades or ranks were there?

Answer. I believe there was a chief of each camp; and I learned that there were ten camps in Alamance County; ten posts, commanded by a chief and lieutenant. Then they were commanded by the great chief of the county, who was subordinate to the chief of the State. Then these were governed by a district commander, covering, probably, two or three States.

Question. Was it under your command that any disguise of the order was captured?

Answer. When we made an arrest we inquired for the disguises; as a general thing they either kept them hid or had them destroyed. Some members of the Klan said, on the arrival of the soldiers in the county or on learning that we were coming, that they burned them up; but one one-armed man furnished me with his own disguise that his wife had made for him, and also told me that his wife had made some thirty or forty. It was very well made; she understood the business very well. That disguise I took to Governor Holden, and he burnt it when I left there. It is a large loose gown, covering the whole person quite closely, buttoned close around and reaching from the head clear down to the floor, covering the feet and dragging on the ground. It is made of bleached linen, starched and ironed, and in the night, by moonlight, it glitters and rattles. Then there is a hood with holes cut in for eyes and a nose, six or eight inches long, made of cotton cloth, stuffed with cotton, and lapped with red braid half an inch wide. The eyes are lined with the braid, and the eye rows are made of the same. The cloth is lined with red flannel. Then there is a long tongue, sticking out about six inches, made of red flannel also, and secured that it can be moved about by the man's tongue. Then in the mouth are large teeth that are very frightful. Then under the tongue is a leather bag placed inside, so that when the man calls for water he pours it inside the bag and not into his mouth at all.

Question. Was this man one of those you arrested?

Answer. Yes, sir; I do not remember his name, but I think I have it among my papers. The head-dress had three horns on top, made of cotton, about a foot long; they were also lapped with red braid. The man carried a club and pistol; they were always armed when they were out on any thing, either at a meeting or exhibition, or when committing their depredations.

Question. What was the feeling among the people in those counties in regard to the security of person and property?

Answer. All persons seemed to be in terror of their life and property. They asked me how long I thought I would remain. I told them I thought I would remain some time. They said if we did not remain long enough to break up the clans they could not tell us anything; their lives would be in jeopardy when we left. The people all, as a general thing, were afraid to tell me anything at all. It was a very peculiar character that would venture to give me any information. All I could get was from detectives, who would deceive them and get into their camps, and the confessions they made. Both black and white were living in terror all the time; night and day expecting something terrible to come, from the simple fact that a great number of men had been killed—drowned, hung, shot, or whipped to death; one or two women were shot; they had the law in their own hands, and could charge you with anything they pleased, and prove anything; and if you were taken to jail they would take you out and hang you. Five were taken from jail in Lenoir County and thrown into the creek. Five, I think, were taken in another county, out of jail and thrown into the Neuse River.

Question. What was the state of things, in your own judgment, at the time your troops were mustered out in September, 1870?

Answer. It was simply this: they were all very much embittered against the troops, against Governor Holden and the republican party, for sending troops in on them.

By Mr. BAYARD:

Question. By troops you mean the militia?

Answer. Yes, sir. They were afraid to commit any rash act till the bill that Mr. Shoffner introduced was repealed. After the troops left they did not commit any further acts, I believe, and everything was quiet. Mr. Shoffner was driven from the country by the Ku-Klux. Mr. Boyd told me that he and Mr. Moore saved his life. He sent Mr. Moore, who was a democratic member of the legislature, to Gilbert's Bridge, and told them that Shoffner was not home, so they turned right back and did not proceed to his house.

By the CHAIRMAN:

Question. Were your troops there during the election?

Answer. Yes, sir.

Question. State what part, if any, they were directed to take in preserving the peace.

Answer. I received orders from the governor to send troops to each precinct, if possible, and also to send them to two other counties some seventy miles off, at Shelbyville, with orders to preserve the peace and keep good order on election day, and assist the civil authority. I carried out the governor's orders to the letter. I sent commissioned officers in charge of some ten or twenty men to the different precincts in the county of Caswell, with orders to assist the civil authorities to hold the election, and see that no person of either party, either black or white, was intimidated. Everything went off quiet. They returned and remained at Yanceyville on the day of election, and there never was a more quiet election held there. I think there were some three or four hundred votes polled there that day.

Question. What month was that?

Answer. August the 4th. There were about three hundred darkies in Yanceyville, and they told me they did not intend to vote at all unless they had protection. They were so afraid that you could not have hired them to come unless they had protection.

By Mr. BAYARD:

Question. Was that the general character of the elections where you men were stationed?

Answer. Yes, sir; perfectly quiet, no trouble anywhere the men were stationed.

By the CHAIRMAN:

Question. Is there anything more that came under your observation that bears upon the security of person and property in that part of the State in which you were stationed; if so, state it fully?

Answer. I have spoken of their having the law and the courts all on their side. The juries were made up of Ku-Klux, and it was impossible for any of the loyal people to get justice before the courts. Not less than fifty or sixty persons have been killed by the Ku-Klux in the State, besides some three or four hundred whippings, and there has never been a man convicted that I have heard of. Out of all those that I arrested, against whom there was as good proof as could possibly be given, enough to convict anybody before twelve honest men, I do not think one has ever been tried. They know very well when they commit these depredations that they will be cleared, and it just makes it that much worse for the loyal people. If they prosecute them for debt or for anything else they fail. Colored men cannot get justice, cannot get their hard earned money. They agree to give them part of the crop, and about the time of the harvest they charge them with something and run them off. They dare not say a word. That is the general state of things throughout several of the counties of the State.

By Mr. BAYARD:

Question. You say you were living in Tennessee in the month of June, 1870; who summoned you to North Carolina?

Answer. I have the dispatch of Governor Holden, telegraphed to me.

Question. Please produce it.

Answer. (Produces it.) I formerly lived in North Carolina.

The dispatch reads as follows:

"RALEIGH, NORTH CAROLINA, June 13, 1870.

"To Maj. W. W. ROLLINS.

"Eb. House, Va.:

"I regret you cannot take the field. Please request Colonel Kirk to report at once at Raleigh.

"W. W. HOLDEN, Govr."

Question. "Eb. House, Va.," means Ebbitt House, Washington?

Answer. Yes, sir. I was here as a claim agent in Washington at that time, from Jonesboro, Tennessee; and Rollins was major of the Third North Carolina United States Volunteers—my regiment.

Question. How long since you had been residing in North Carolina before you got that dispatch?

Answer. I resided there in 1863, in Asheville, Buncombe County, and in Rutherfordton, Rutherford County.

Question. Then you went back to Tennessee?

Answer. Then I went back to Tennessee.

Question. How long were you in North Carolina in 1866?

Answer. I do not remember exactly.

Question. About?

Answer. I cannot tell exactly or anything near it.

Question. Had you resided in Tennessee previously?

Answer. I was born and raised in Green County, East Tennessee.

Question. That is your home?

Answer. Yes, sir.

Question. You are unable to say how long you resided in North Carolina in 1866?

Answer. Yes, sir.

Question. Did you move to Tennessee during the year 1866?

Answer. I think I did.

Question. And remain there from that time on?

Answer. Yes, sir. In 1867 I was commissioned in the Tennessee State troops; and in 1869 I was a major of the Second Regiment of the State troops and made arrests of several Ku-Klux.

Question. How long had you been in Washington as claim agent?

Answer. I came here, I think, about the 1st of May last.

Question. Did you report at Raleigh immediately after you received that dispatch?

Answer. Yes, sir. I arrived at Raleigh, I believe, on the 21st of June.

Question. When did you leave North Carolina again for Tennessee?

Answer. The 1st of December.

Question. How long were your active operations, you have spoken of, conducted?

Answer. Very active during the months of July and August.

Question. Until the election?

Answer. Yes, sir; and after. I remained in the service till the 22d of September.

Question. Until the time of disbanding?

Answer. Yes, sir.

Question. You disbanded then?

Answer. Yes, sir.

WASHINGTON, January 29, 1871.

GEORGE W. KIRK; examination continued.

By Mr. BAYARD:

Question. What counties of North Carolina were you personally in during your term of service in the State militia?

Answer. I passed through several counties, but my active service was in the counties of Alamance and Caswell.

Question. You have said that you recruited your regiment yourself?

Answer. Yes, sir.

Question. Of what class of men was it composed, and where was it recruited?

Answer. It was recruited in the western part of the State. I did it in this way: After I received my authority at Raleigh I went up past Salisbury to Morgantown.

Question. Were your militia composed of North Carolina men?

Answer. Yes, sir; principally. There were some few Tennesseans.

Question. Were they all white men?

Answer. All the soldiers? Yes. There were some teamsters who were colored men.

Question. Who is Colonel Berger, of whom you have spoken?

Answer. He was the lieutenant colonel of the regiment; he was living in Jonesboro, Tennessee.

Question. Is he a Tennessee man?

Answer. No, sir; he was formerly from Philadelphia.

Question. He was living in Tennessee at the time you gave him the command?

Answer. Yes, sir.

Question. Did you select your own officers for that regiment?

Answer. Yes, sir; that is, the men I recommended for officers were commissioned by the governor.

Question. How many men had you in your regiment?

Answer. There were nine companies. I do not now remember the exact number of men; six or seven hundred.

Question. How many persons in all did you arrest, from first to last, in your campaign?

Answer. I could not give you the exact number, from the single fact that a great many persons were arrested and sent to Raleigh from Company's Shops while I was at Yanceyville, whom I never saw; but as well as I can remember now I think the number of prisoners who were under my charge was between sixty and seventy. Some were held only two or three hours, perhaps.

Question. You have said that you had no knowledge of any personal mistreatment of any man while your prisoner.

Answer. There was no man mistreated within my observation. I heard that there was some mistreatment at Company's Shops. I believe two or three men were mistreated there.

Question. How were they mistreated?

Answer. I understood that Bergen put a rope around their necks and undertook to extort confessions from them, to make them tell who were engaged in the raid that

murdered Wyatt Outlaw. That was my understanding of the matter. I was some thirty miles off.

Question. What were the names of those men who were mistreated in that way?

Answer. One was named Patten; I do not remember the names of the others.

Question. How many were so mistreated?

Answer. Only two, I think; I am not certain.

Question. Have you any knowledge of men, citizens of the State, prisoners, being hung up by the thumbs in order to extort confessions from them?

Answer. I heard a rumor of that kind, but it was denied.

Question. Did you hear the names of the persons who were said to have been so mistreated?

Answer. No, sir; I do not remember of hearing who it was.

Question. Where does Patten live?

Answer. In Alamance County, somewhere near Graham, I think.

Question. Do you know his first name?

Answer. I do not.

Question. Do you, or not, know of personal sufferings or personal insults inflicted upon citizens by men of your regiment?

Answer. No, sir; only what I have spoken of.

Question. Have, or not, writs of habeas corpus for these persons been served upon you issued by Chief Justice Pearson?

Answer. Yes, sir.

Question. What was your answer to those writs?

Answer. I answered that I held the prisoners and with orders from him not to make any return.

Question. To make no return?

Answer. To make no return then.

Question. Who was your chief commander?

Answer. Governor William W. Holden. My orders were to hold the prisoners for trial.

Question. Will you state the precise language you used in reply when those writs were served upon you?

Answer. I do not believe I can; I do not remember the exact language I used.

Question. Who served the writs?

Answer. There were so many served I cannot tell who did serve them. There were as many as seventy-five writs served, altogether, I reckon.

Question. Seventy-five writs served?

Answer. I think so; somewhere along in that neighborhood.

Question. Did you return the same answer in each case?

Answer. In effect, I did.

Question. You disregarded the writ in each case?

Answer. Yes, sir.

Question. By order of Governor Holden?

Answer. Yes, sir.

Question. You say that writs of habeas corpus were then served upon you which were issued by Judge Brooks, of the United States court?

Answer. Yes, sir.

Question. What was your answer to them?

Answer. The same answer, in effect, as to the others.

Question. How long did you retain the prisoners before you obeyed the writs issued by Judge Brooks?

Answer. Some of them were retained from the 14th or 15th of July, until the 18th of August.

Question. The election took place on the 4th of August?

Answer. Yes, sir.

Question. Did you, in response to the writs of habeas corpus issued by Judge Brooks, take these men, yourself, to Raleigh?

Answer. No, sir; I did not take those twenty men. I have here the telegrams I obeyed. The first telegram I received was from Mr. Badger, the counsel for the State. It was received at 11 a. m., on the 18th of August, and was as follows:

“SALISBURY, August 18, 1870.

“Colonel G. W. KIRK:

“Be certain not bring the Pearson prisoners up here. Order Colonel Bergen to take them to Raleigh and make return for you to Judge Pearson. Have telegraphed governor to have special train for Bergen. Answer.

“R. C. BADGER.”

At 12 m., that same day, the 18th of August, I received the following telegram from the governor:

"Colonel G. W. KIRK:

"Don't leave until you hear from me.

"RALEIGH, August 18, 1870.

"W. W. HOLDEN,
"Governor."

Then at 1 p. m. I received the following telegram from the governor:

"Colonel G. W. KIRK:

"You will take one hundred men and proceed at once with prisoners to Salisbury for Judge Brooks. You will return as soon as possible to Graham, and then come at once to Raleigh with the twenty-two (22) prisoners for Chief Justice Pearson.

"W. W. HOLDEN,
"Governor."

The governor first telegraphed me to hold the prisoners till I heard from him. There was only one hour in which I could make the return; it would take me every minute of that time to go to Salisbury from where I was. The writs for the twenty-two prisoners issued from Chief Justice Pearson's court were served on me before the other writs were served. Of course I was ordered first to obey Justice Pearson's writs; that is, to recognize them; but, in fact, I obeyed the others first. I took my prisoners to Salisbury, and then I returned with the papers in the other cases; but Lieutenant Colonel Bergen took the prisoners down; they were there when I arrived.

Question. You say that you disbanded your force about the 21st of September?

Answer. I think it was about the 21st of September; yes, sir.

Question. You say that when you surrendered your prisoners in response to the writs of Judge Brooks, you were, yourself, served with process in private suits against you for false imprisonment?

Answer. That was before the troops were mustered out.

Question. When you got to Raleigh with the prisoners?

Answer. Yes, sir.

Question. Writs were then served on you, issued from the United States court, on behalf of private parties?

Answer. Yes, sir.

Question. Give the names of those private parties.

Answer. Josiah Turner, John Rich Ireland, James S. Scott.

Question. In heavy damages?

Answer. Yes, sir.

Question. I understood you to say yesterday, in your testimony here, that you gave no bail, but under an arrangement with the marshal you left under a sort of parole, to return when called for?

Answer. Yes, sir; he allowed me to go on my own recognizance.

Question. Where did you go?

Answer. I returned to my regiment, and remained in command until it was mustered out.

Question. Where was that?

Answer. Graham, Alamance County.

Question. You say that writs were out for you, and you had to stay very close with your men. Do you mean by that that you did so to prevent the service of other writs upon you?

Answer. I did that in order to prevent any trouble. I very well knew they had no right to serve any writs on me; I was so instructed by my counsel.

Question. Did you prevent the service of those writs on you?

Answer. I was in Raleigh a great part of the time; but, of course, the writs were not served on me in the county, from the fact that they could not do anything of that kind in a county declared to be in insurrection.

Question. What do you mean by saying that you had to keep very close with your own men?

Answer. I mean to say that I did not want to be disturbed, or to have any trouble with the writs after I was mustered out. I did not want to be arrested, for I knew I could get no justice there before the Ku-Klux.

Question. Did you or not remain in your camp with your armed forces, to prevent the writs from reaching you?

Answer. I went anywhere out from the camp; to Company's Shops and anywhere in the county. They could not touch me in Alamance and Caswell Counties.

Question. Why not?

14 **CONDITION OF AFFAIRS IN THE SOUTHERN STATES.**

Answer. Because these counties were declared to be in insurrection.

Question. By Governor Holden ?

Answer. Yes, sir.

Question. And the civil process could not be served upon you in those counties ?

Answer. Yes, sir; the process of the United States courts could; but at that time I was in the hands of the United States marshal, and regarded as his prisoner.

Question. Do you know whether or not you are at this time under indictment in North Carolina ?

Answer. I do not.

Question. State the circumstances of your leaving North Carolina.

Answer. After I received information that the suit—I do not now remember exactly the language used—any way, the United States marshal informed me that I was released; that Judge Bond had declared I was released. I left Raleigh on the first day of December; I came away into Virginia in a hack, and got on the train at Keysville.

Question. On what day of the week did you leave Raleigh ?

Answer. I do not remember now; it was the first day of December.

Question. At what time of the day did you leave Raleigh ?

Answer. At night.

Question. How far did you drive in your hack at night ?

Answer. I first hired a horse; I could not leave town in the daytime; I could not get on the cars there, because of the Ku-Klux, who would take me off the train, they had such a hatred against me. I hired a horse, and traveled on horseback; I did not travel very far; I was two days, I believe, getting out of the State; I traveled one day on horseback and then got into a hack; that is the way I did.

Question. Had you any interview with Judge Bond previous to your discharge ?

Answer. I do not remember that I ever spoke to him in my life.

Question. Had you any legal counsel ?

Answer. Yes, sir.

Question. Who were they ?

Answer. Mr. McCorkle and Mr. Badger, but I believe Mr. Badger was not there; Mr. McCorkle was all the counsel there. Mr. Badger was counsel for the State during all their trials, and when they were trying to get an attachment against me before Chief Justice Pearson, while I had the prisoners.

Question. For contempt of court ?

Answer. Yes, sir; because I did not make return to the writs of *habeas corpus* Chief Justice Pearson had issued.

Question. Was any attachment of that kind ever served on you ?

Answer. They did not get any; Judge Pearson did not grant it.

Question. Did any prisoners die while in your hands ?

Answer. No, sir.

Question. Did any suffer from ill-health ?

Answer. None that I remember hearing of; nothing serious.

Question. Did your militia at any time come in collision with the United States troops stationed in either of those counties ?

Answer. There was no fighting or anything of that kind; there was some drunkenness of the United States troops; some of them broke into Mitchell's grocery, and there was some trouble there; Mitchell called for assistance; the camp of the United States was some distance from the house; I arrested two of the men, and immediately notified the commander of the United States troops, and he sent a guard for them; but he and I had a perfect understanding; he offered his help at any time, and told me, if at any time any of his men made trouble in the town, to arrest them and send him notice.

Question. Who was that United States officer ?

Answer. I do not remember the name now, Major ——— somebody; it was a curious name.

Question. Major Rodney ?

Answer. Yes, sir; Major Rodney, that is the name; I have a letter from him in my possession now, offering his assistance at any time I needed it; and I have a copy of my answer to it, telling him that I did not think I should have any trouble; that was about the time they threatened to bring on their forces from Virginia to release the prisoners.

Question. You have spoken of a number of acts of violence committed, of which complaints were made to you; were those acts of violence committed prior to your going into that country ?

Answer. Yes, sir; I believe so.

Question. Do you know how long before ?

Answer. In the same year, I think.

Question. Do you know the dates of the occurrences of which you have spoken ?

Answer. No, sir; I do not.

Question. During the time of your presence in those counties, did any of this conduct continue of which you speak—on the part of these secret organizations, I mean ?

Answer. No, sir; not that I heard of, so far as I now remember.

Question. When you disbanded your force, did you consider that you had broken up these organizations there?

Answer. Well, for the time being, it was quiet. I thought, from the temper and feeling of the people, they would break out again whenever they got the opportunity.

Question. During the time you were there none of these acts occurred?

Answer. No, sir.

Question. The counties were quiet?

Answer. Nothing occurred of the kind that I remember; if there had, I would of course have sent at once and arrested the parties for violating the law; that was my order. There were some complaints of stealing during the time I was there; I liked to have forgotten that. They came to me with complaints about one or two colored persons. I do not remember the name of the person making the complaints, or of the man who did the stealing; but I sent out anyway and arrested the darkey who was accused of it; and in the woods, near his house, I found the bacon that he had stolen; he denied it; did not know anything about it; when he was brought to me I spoke to him, and said I would hate to be in his place; I believe that was what I first said to him. He owned it then, and acknowledged that he did steal the bacon, and told how he got it; he said that he dug under the smoke-house and got it. I put him in jail, and notified the governor. There was another case of a darkey stealing some money and some clothes, and I had him arrested. The darkey that stole the bacon stole it from one of the Ku-Klux party, a Southern man. When a complaint was made to me, it made no difference whether it was by a Ku-Klux or anybody else; I always tried to do my duty.

Question. Are those two acts the only acts of unlawfulness that you remember occurring while you were there?

Answer. Yes, sir; there were a great many complaints made to me in regard to debts; I told them I did not think I had any right to interfere in regard to such matters; that I had no instructions in regard to such matters. There were quite a number of colored men came in before the election and after the election, and told me they were threatened to be turned out of employment and out of doors if they voted at the election. In fact, after the election, several came to me and told me they had been driven off because they had voted. Three or four men on one farm, out about Pelham, were driven off.

Question. Did you take any action in those cases?

Answer. No, sir; I could not do anything; I had my hands full of other matters.

Question. Have you any knowledge of any organized gangs of colored men in any part of that State for purposes of robbery and violence?

Answer. I understood that in Robeson County there was a gang of robbers, made up, I believe, of white men; that was the understanding; but Robeson County was a great ways from me, and I knew nothing about it only from hearsay. In the counties where I was the darkeys all seemed to be quiet, except some few individuals who were destitute, and committed some acts of theft or something of that kind. There were but those two acts, that I remember now, that were committed while I was there; I made arrests in those cases, and put the men in jail, and notified the governor. I believe I have somewhere a letter of instructions in regard to them.

Question. You speak of a political meeting being held in Yanceyville, and of your sending a part of your force to surround the court-house where it was being held?

Answer. Yes, sir.

Question. Of what political party was that meeting?

Answer. It was of the democratic party, as I understand.

Question. It was a public meeting?

Answer. Yes, sir.

Question. Held in the day-time?

Answer. Yes, sir; about that time I had received an order from the governor to push ahead and make the arrests, for the guilty parties were leaving the State and escaping into Virginia as fast as they could; to press ahead, and not let a moment be lost until I had made arrests in the cases of the persons I had the names of. I had the names of some twelve or fifteen persons, I think, who were then in the court-house in that meeting; persons had come out to me and told me that they were in there; that was the reason I surrounded the court-house; I considered that under the circumstances I had a right to do what I did; I do not suppose any man was detained an hour longer than he would have remained there any way.

Question. You made those arrests by the direct orders of Governor Holden?

Answer. Yes, sir; I did not arrest a man that day only upon special orders. I had general orders to arrest any man I heard complaints against; I had special orders, together with the names of persons, and those persons I arrested in the court-house that day, except some four or five who did not happen to be there. There was one thing I had forgotten in regard to F. A. Wiley, ex-sheriff, he was not in the court-house that day; I had a very strong and imperative order to follow and arrest him anywhere inside of the State. He was thought to be the leader in the murder of Senator W. W.

Stevens; all of them believe yet that he was the leader; that he was the man who decoyed Senator Stevens into the room where he was afterward found dead. Some darkies and one or two white men told me they thought he was in the court-house at the time of the meeting there. When I found he was not there, I sent Lieutenant Colonel Bergen with five men after him; I understood that he had been in town, but had left when he heard of our coming; I sent Lieutenant Colonel Bergen and five men after him, and they caught him near about home; I believe they caught him in his tobacco field, as he was going through it; he resisted, and would not be arrested; he fought and knocked Colonel Bergen as far as twice across this room before the men interfered; then they knocked him down, and tied him, and brought him in.

Question. Had Colonel Bergen any writ?

Answer. No, sir, only orders; I had forgot that when you asked me about him; Wiley resisted, and would not be arrested, and they overpowered him and brought him in; the five men will all make that statement.

Question. You spoke of some of your prisoners being taken before Judge Brooks?

Answer. Yes, sir.

Question. Do you know what became of them?

Answer. They were turned loose, all of them. They did not give us any chance or time to bring in any testimony, witnesses, or anything against them. They were turned right loose.

Question. Do you mean that Judge Brooks did not give you any time?

Answer. Yes, sir; of course there was no chance. As soon as they decided to take them and make the return on the writs, I had to travel with them on foot, and a great many of them had carriages to go in from Yanceyville to Company's Shops, and then we got on the railroad and went from there to Salisbury. So it was impossible to send for witnesses and get them there in time. And when we got there, there was no proof ready against them, and they were turned right loose, all who were there.

By the CHAIRMAN:

Question. Were any other persons arrested by you than those who were charged with participating in these alleged outrages or assisting in them?

Answer. No, sir; no persons were arrested only those who had been violating the law—travelling in disguise, engaged in whipping, &c. Mark you, there were men arrested whom I did not arrest, and whom I never saw at all; arrested by Lieutenant Colonel Bergen. He was taken from under my control entirely, and was at Company's Shops, and was every day in communication with the governor, while I was not.

Question. I am speaking of arrests made by you, or under your authority. Were any arrested but those who were charged with participating in those outrages?

Answer. Not that I remember.

Question. Did I understand you to say that when writs were served upon you from the United States court, you obeyed them?

Answer. I did, eventually; at the last hour.

Question. How long after the writs of *habeas corpus* from the United States court were served upon you did you hold the prisoners, before you obeyed the writs by order of Governor Holden?

Answer. I do not remember how many days I held them; but I made the return in due time—that is, inside the law. There were so many days allowed, (I do not remember how many;) I had so many days to make return in, and the time was very nearly out when I did make the return.

Question. You made the return to the United States court within the time allowed by the writ?

Answer. Yes, sir.

Question. You have spoken of the manner in which you left Raleigh and came out of the State on horseback and in a hack. State at length what facts were known to you, if any, which induced you to take that course to get out of the State.

Answer. I was informed that on the day I was expected to leave Graham to go to Tennessee by the western route, there were sixty persons at Greensboro, armed with shot-guns, &c., to take me from the train; and on the other route, at Hillsboro, I found some thirty or thirty-five men there, with arms, to take me out of the train. As I stated before, my family was in the ladies' car, and I was with them.

Question. You have already given us an account of that.

Answer. Yes, sir. I knew if I got on the train in North Carolina, I would be taken off.

Question. State fully what occurred.

Answer. All felt uneasy at Raleigh; they had no idea I would get through; they thought the Ku-Klux would take me from the train. I told them they would not; that I had it all arranged. I am referring to some persons who did not know my private understanding with the governor. I was arrested by Captain Greene, you know.

Question. That is the statement you have already given us. What I want to get at now is, what facts were known to you that influenced you to adopt the mode you took to leave the State?

Answer. The fact that armed men, thirty or more in one place, and sixty or seventy in another place, had boarded trains to look for me. And they were telegraphing everywhere to watch out for me. The persons who were turned loose at Salisbury were all out, as I understood, every one of them, watching and determined to have me. I had to take a secret route to get out of the State, in order to preserve my life.

Question. You believed those means were necessary to secure your personal safety?

Answer. Yes, sir. I would not have got on the train in North Carolina for anything in the world, unless I had wanted to die. If I had, I would not have been here to-day, unless I could have whipped them; and I do not suppose one man could have whipped fifty or sixty men and got away alive. What induced me to do what I did was the fear I had of travelling on a public highway in that State.

WASHINGTON, D. C., January 28, 1871.

JAMES E. BOYD sworn and examined.

By the CHAIRMAN:

Question. Where do you reside, and what is your occupation or profession?

Answer. I live in the town of Graham, county of Alamance, State of North Carolina. I am a lawyer by profession.

Question. How long have you resided there?

Answer. I have lived in the county of Alamance, since my birth; I was born in Alamance County; I have lived in the town of Graham about sixteen years.

Question. What knowledge have you, if any, of secret organizations in that county for political purposes, or for purposes affecting the public peace and security? State in full your knowledge on that subject.

Answer. I know of three political organizations that have existed in Alamance County, and of four that have existed in the State. Two in the county were of the same nature; the other was of a different nature.

Question. Proceed and state your knowledge of each of them, and how that knowledge was obtained.

Answer. The first organization in Alamance County that I know of was the Union League, an organization of the republican party. I was not a member of that organization; I knew of it only from the acknowledgments of persons who were members of it, and from their exhibitions. The next political organization I knew of there was a political organization known as the White Brotherhood. I joined that organization in the town of Graham in November, 1868.

Question. Go on and state the purposes of that organization.

Answer. I do not recollect the exact words of the oath which I took; I can only give the substance of it. I was not regularly initiated in a regular camp, as it was called; I was initiated in the room of the chief of the county. The oath set out by swearing me never to reveal the name of the person who initiated me. It went on by making me swear that I was not a member of the Union League, Heroes of America, Grand Army of the Republic, or any other political organization having for its object the civil or political promotion of the colored race. I was sworn never to reveal any of the secrets of the organization which came to my knowledge as a member of the organization; to obey all lawful orders of the officers of the organization; that I would attend the meetings as regularly as possible, and comply with the regulations of the organization. The regulations, which were a separate part of the oath, prescribed the manner of holding meetings, the disguise to be worn, and the manner of making raids.

Question. Can you give us in detail what those regulations were?

Answer. The meetings were to be held in secret places; in the woods, or some other place distant from any habitation, in order to avoid detection. The disguise prescribed was a long white gown, and a mask for the face. No applicant could be admitted as a member of the organization until his name had first been submitted to a regular camp. A county was divided into a certain number of districts, and each district composed a camp, which was under the command of a captain. The whole county constituted a klan, under the command of a chief. No person could be initiated as the member of any camp until his name had been submitted to the camp and his application unanimously agreed to by the members of the camp. The manner of making raids was prescribed by the regulations. No raid was to be made, no person punished, no execution done, unless it had first been unanimously agreed upon at a regular meeting of a camp of the klan and duly approved by the officers and the chief of the klan. The sign of recognition of the White Brotherhood was by sliding the right hand down along the opposite lappel of the coat. If the party to whom the sign was made was a member of the organization he returned it by sliding the left hand in the same manner down along the opposite lappel of the coat. The word of distress was "Shiloh." There was a sign of distress to be made when a brother was in distress and wanted assistance. I do not remember the sign; it was some sign made by the hand. But if the person was so situated that the sign made by the hand could not be seen, then the word "Shiloh" was used to denote distress.

Question. Does that statement complete the description of the mode of procedure?

Answer. The manner of making a raid was proscribed as I have already stated; that no execution should be done, and no punishment inflicted upon any person, until it had been duly voted upon, unanimously agreed to, and approved by the officers. When a raid was ordered the plan of operation was this: If the person ordered to be punished lived in one vicinity, the persons to execute the punishment came from a distant camp, in order the better to avoid detection. But one person was allowed to speak upon a raid; the person who could best disguise his voice was the person selected to give the necessary orders and commands.

Question. Were you present at any deliberations upon the propriety of raiding against or punishing any one?

Answer. No, sir; I never was at but one meeting of the organization in my life.

Question. But one?

Answer. I attended but one meeting after I was initiated; and nothing was done at that meeting but the initiation of members.

Question. Upon the oath administered, the mode of procedure proscribed, and the government of the organization, so far as you have observed, are the members bound to carry out the decrees of the order, if they involve murder and assassination?

Answer. I think so, sir. If it was decided to take the life of a man, a camp is ordered to execute the sentence, and is bound to do it.

Question. What would be the penalty, if any member refused?

Answer. I do not know that any penalty was proscribed for that. A member could excuse himself from attendance at meetings, or from going upon raids, if he had a proper excuse. The penalty proscribed in the regulations for the punishment of any member who should disclose the secrets of the order was death. Each member was informed upon his initiation that if he disclosed the secrets of the organization he should be the first victim.

Question. If any arrests should be made by the civil authorities for murders or other crimes committed in pursuance of the decrees of a camp, to what extent did the obligations of members bind them to assist and protect each other?

Answer. To whatever extent was in their power.

Question. Did it go to the extent of giving testimony in behalf of each other, or of acquitting if upon a jury?

Answer. I think that was one of the objects and intentions of the organization; that a person on the witness-stand, or in the jury-box, should disregard his oath in order to protect a member of the organization.

Question. Do you know of any instances of wrong or outrage perpetrated upon persons in pursuance of the decrees or orders of this organization?

Answer. I do not know of any decrees or decisions they made. I know of punishments that were inflicted by the organization.

Question. State any of them that you now remember.

Answer. The most serious instance in my county, I believe, was the hanging of a negro man by the name of Outlaw, who was taken from his house, in the town where I live, about one o'clock at night, by a band of from eighty to a hundred men, and hung upon an elm tree, not very far from the court-house door.

Question. When was that?

Answer. On the night of the 26th of last February.

Question. What was the offense charged against him?

Answer. I never heard of any. The newspapers have said that he was guilty of having shot at a band of Ku-Klux that passed through the town some time previous; but that was not true.

Question. What was his character as a citizen?

Answer. He was rather a leader among the colored people in my county. He was said to have been president of the Union League, an organization among the colored people.

Question. What was his character as a law-abiding citizen? Did you know him?

Answer. I knew him very well, and had known him since my boyhood. He had been a slave, and according to our estimate of slaves, we never looked upon any of them as very honest. But I never heard anything derogatory of his character after he was free.

Question. What steps, if any, were taken to discover and bring to justice the persons who were guilty of hanging that man?

Answer. There was a coroner's jury and an inquest, and some witnesses were examined—some of the town people who saw the band in the town, and saw them take him from his house; also a negro woman, who probably lived with him. The verdict of the coroner's jury was, I believe, that he came to his death by a band of disguised men unknown.

Question. Were you present at the inquest, either as counsel or as a spectator?

Answer. I was about the court-house, but not in the room. I have read the evidence that was returned to the clerk's office.

Question. Was any other cause assigned for his death than the one to which you have alluded?

Answer. I never heard of any other.

Question. Have you any knowledge of the number of persons in the county in which you live, who are members of that organization?

Answer. Between six and seven hundred, I should suppose. There are, I believe, ten camps in the county, and the camps will average from fifty to seventy-five members each.

Question. What is the whole population of the county in which you live?

Answer. About 11,000. The voting population, according to the last election, is about 1,800 or 1,900, of which the white voters number between 1,200 and 1,300.

Question. Are any but voters admitted into the organization?

Answer. All are voters in North Carolina, who are twenty-one years of age, and have resided twelve months in the State, and thirty days in the county.

Question. What I mean is, are persons under twenty-one years of age admitted into the organization?

Answer. Yes, sir; I think I have known some minors who were members of the organization. I think I have, but I am not certain as to that.

Question. Then with about 1,800 voters in your county, you think that about 600 or 700 are members of this organization?

Answer. Yes, sir.

Question. What is the proportion of white and colored voters in your county?

Answer. The county can poll from 1,800 to 1,900 votes. There are between 700 and 800 colored voters in the county, or more; some of them have left. I suppose there are not more than 650 colored voters there now.

Question. Will you please state whether you have made a statement publicly in the State in which you live similar to the one you have now made to this committee; if so, what consequences have been apprehended by you for having given publicity to such a statement?

Answer. I was arrested by Colonel Kirk when he was sent there with his militia; I was the second man arrested in that county. I was there the democratic candidate in my county for the house of representatives of the State Legislature. I was arrested and carried to Yanceyville, and afterward released by Governor Holden upon giving bonds for my appearance. I afterward, upon consultation with some of the members of the organization in my county, published a letter signed by myself and sixteen others. I was afterward a witness before the justices of the supreme court in the investigations there. The consequence of my having given this public evidence has been that I have been almost altogether cut loose from society in my county. At the time I was arrested I occupied a leading position there in my party; since that time I have been treated very coolly. I cannot say that in my own county I have, up to this time, apprehended any personal danger, because the demoralization in the organization there, upon the approach of Colonel Kirk, was very great, and also from the expositions made of their purposes. If there has been any spirit to resume the organization, they have not been able to do so as yet, at least in my county.

Question. Do you attribute the cessation of the operations of that organization to any other cause than the appearance of the militia there, and the steps taken to suppress it?

Answer. I attribute it somewhat to this cause; I think a number of the men who were in it before have, by the interference of the militia there, and the trouble many of them were put to by the investigations, been led to think that they had better quit for fear something more serious might happen. I think there are a number of the members of the organization in my county now who would be glad to see it stop forever; but I think there are a number of other members who, if they had the opportunity, would resume its operations. I labor under this disadvantage in regard to information on this subject: since my examination before the justices, I have had very little communication with that class of men, with my former friends, and I can learn very little of their disposition now; everything has been remarkably quiet there since this investigation. The organization has been operating some within the adjoining counties within a short time; some, I believe, in the counties of Guilford, Chatham, and Moore, counties adjoining Alamance.

Question. What you have stated here relates principally, almost entirely, to the county in which you reside.

Answer. Yes, sir.

Question. What is your knowledge of the object and extent of this organization throughout the State?

Answer. I can only state from hearsay—what I have heard from members of the organization. The number of the members of the organization is supposed to be 40,000. Their object was the overthrow of the reconstruction policy of Congress and the disfranchisement of the negro. There are two other organizations besides that of the White Brotherhood, as I said before. I was a full member of one of them, and partly

a member in the other. I cannot say that I considered myself really a member of the other. One organization was called the Invisible Empire. There is another organization which rather superseded the White Brotherhood in my county, after it had gone on for some time, and was called the Constitutional Union Guards, whose oaths and manner of operation were about the same. There was very little difference; some change in the signs. The sign of recognition was by crossing the hand on the breast.

Question. Were those separate organizations, with successive grades or ranks, all the same?

Answer. I think the Constitutional Union Guards and the White Brotherhood were not the same. The organizations originated in different parts of the county; having in view the same objects and with about the same grades. There was very little difference in their oaths or regulations, as to the manner of organization or proceedings. I never took the oath as a member of the Invisible Empire. I was at Raleigh last winter, and Dr. John A. Moore, who was at that time a democratic member of the house of representatives of North Carolina from my county, and who was also a member of the White Brotherhood, and know me to be such, informed me that there was another organization which was intended to take the place of the White Brotherhood. It was known as the Invisible Empire; and he said that Hamilton C. Jones, a State senator from Mecklenburg County, had agreed to furnish him with the necessary authority to establish it in my county. He informed me what the signs were. The recognition was the same as that of the White Brotherhood, by turning the lapel of the coat as if looking for a pin, and if the party did not notice it, the one making the sign could inquire for a pin to call attention.

Question. Having stated in general terms the objects of this organization to be the overthrow of the reconstruction policy and the disfranchisement of the negro, state now by what means these objects were proposed to be accomplished.

Answer. Well, I think the contemplation was almost any means that were necessary to secure the supremacy of the party opposed to the recent amendments to the Constitution; if it was necessary to whip a man to break down his influence against us, they would do it; if necessary to kill him, they would do that.

Question. What extent of means was to be used to influence elections?

Answer. We can only judge of that by the manner in which the organization has operated to influence elections, by riding around in the night-time disguised to the houses of poor white men and negroes, and informing them that if they went to the election, such and such would be their fate—proceedings of that kind; and by whipping and at the same time informing them that a part, at least, of their offense was having voted the republican ticket.

Question. State whether instances of violence of that character were frequent in the State, and what the effect has been upon the voters?

Answer. The instances have been very common. I think, in a great many instances, some alleged crime was used in connection with the political views of the matter. In a great many instances, where negroes were whipped, they were accused, sometimes, of insults to white ladies, and sometimes of petty larceny, and things of that kind. The organization assumed, sometimes, the nature of regulators as well of political affairs.

Question. Do you mean that they were actually guilty of crime, and that was made a pretext, or that they were accused, whether guilty or not?

Answer. They never waited to ascertain by any competent evidence whether a person was guilty. An allegation brought up in the meeting was sufficient to pass sentence. I can only state as to the fact in my own county. I think it has had the effect there to intimidate a number of negroes into voting the democratic ticket, and also preventing a number from voting at all, and some white people. The conservative ticket we call it there.

Question. Do you refer to the election in August last?

Answer. No, sir.

Question. To what?

Answer. To elections previous to that. In Alamance County, I cannot say that anything of that sort was done, because Colonel Kirk had twenty-five or thirty of these parties under guard, and the balance of them were in the woods, or some of them in Arkansas and Texas at the time of the August election.

Question. You mean that they left the county?

Answer. Yes, sir; others were in the woods of Alamance or the adjoining county, probably from one hundred to one hundred and fifty of them.

Question. Was it owing to their absence that this influence was not exerted, or the presence of the troops?

Answer. The presence of the troops, their absence, and the demoralization in the organization.

Question. Are there any members of the legislature of North Carolina who are members of the organization?

Answer. H. C. Jones, a senator from Mecklenburg, claims to be a member of the

Invisible Empire. I passed the signs with him in his room, at Raleigh, at the time I spoke of having talked with Dr. Moore. I was informed by Dr. Moore that a majority of the conservative members were members of the Invisible Empire.

Question. Was there any officer of either house of the legislature a member of the Invisible Empire, within your knowledge?

Answer. I have no personal knowledge. I was informed that Thomas G. Jarvis, speaker of the house, was a member of the Invisible Empire. I never had any conversation with him, or any indication from him that he was a member.

Question. With Mr. Jones you say you passed the sign of recognition?

Answer. Yes, sir.

Question. Is he a member of the Invisible Empire?

Answer. Yes, sir.

Question. Did he name any person in the legislature who was a member?

Answer. No, sir; he did not. Dr. Moore has made a confession public on the subject. He did not give any names of members of the organization before the justice of the supreme court, but he stated that H. C. Jones initiated him, or rather let him into the secrets of the Invisible Empire.

Question. Were you examined upon this subject?

Answer. Yes, sir; before Chief Justice Pearson and Judges Dick, and Settle.

Question. Is your testimony published?

Answer. Yes, sir; there are a number of mistakes in it. I had not the opportunity to revise it before I left, and make corrections.

Question. What has been the course of the leading men of your party, and of the press, toward you in consequence of the testimony given by you in exposing this organization?

Answer. I do not know, except as to the Sentinel, published in Raleigh, by Mr. Turner, which is recognized as the leading organ of the conservative party. It has abused me very much, and consigned me to infamy in one of its articles directly after my evidence was published. Now, I had a conversation with Mr. Turner at Hillsboro. I was there at a meeting of the stockholders of the North Carolina Railroad, on the 15th of July. I was, at that time, a candidate in Alamance County. He asked me the prospects of success. I told him I thought they were very good. He said then that he heard or had been informed, or had some intimation that the Ku-Klux were going to rise the night before election and go to the houses of the negroes and tell them if they went to the election and voted they would meet them on their return in the evening. I told him I thought it would be wrong; that I thought we would be able to carry the State, and it would be alleged as unfairness on our part, and would probably cause some interference on the part of Congress or the Government with the election; that we had had enough of such influence in North Carolina. Then he said: "If I were you, I would say nothing about it in my canvass, neither advise it, nor say anything against it; but if the boys can assist you in getting votes in that way, why, all right. Everything is fair in elections."

Question. The popular name by which this organization is called being Ku-Klux, what are the means adopted to deny connection with it?

Answer. In the explanation given by the person initiating, it was stated that the organization was known to the public as Ku-Klux, but that the proper name was White Brotherhood; and this difference was made so that when a person who was really a member of the White Brotherhood was put upon the witness-stand and asked if he was a member of the Ku-Klux, he could safely swear he was not—that he did not belong to the organization whose members recognized that name.

Question. Does the organization keep any record or minutes of its proceedings?

Answer. No, sir, I never saw any. They have an alphabet. The way of writing it I cannot remember. I think it commenced at L for the letter A, and so came around.

By Mr. Rice:

Question. L sounded like A?

Answer. Yes, sir. They had a method of designating meetings in the day time and night time which I do not remember precisely, but I think a night meeting was designated by a half-moon drawn on a piece of paper, and the day of the month was put in different places about it, so that those who were well versed in the matter would understand it. The affidavit of John W. Long, who was a member of the organization, gave a full explanation of these things. It was admitted to have been correct, I believe, by other members of the organization.

Question. In speaking about the punishing of men, on these raids, in the first part of your testimony, what do you mean?

Answer. Whatever punishment was passed upon in the camp.

Question. For what were they punished?

Answer. I do not know; just whatever they saw proper. If they thought the man ought to be killed for being too prominent in politics, they would have a meeting and pass sentence upon him. I have no doubt in my own mind (though I have no information from others that such was the case) but what Outlaw was killed in order to break

up the organization of the colored voters in my own county, or frighten them away from voting.

Question. Were other punishments inflicted in your county, besides this?

Answer. Yes, sir. In consequence of Outlaw's murder a negro by the name of William Puryear, a half-simple fellow, who, it was said, saw some of his neighbors returning in disguise from Graham, the night that Outlaw was hung, was drowned in the mill-pond.

Question. Were there any whippings in the county?

Answer. Yes, sir. I believe there were one hundred or one hundred and fifty in the last two years in the county, white and black. Some have been whipped two or three times.

Question. Before there was any provocation, what was the general character of the colored people in regard to violence; were they peaceable?

Answer. Yes, sir, as a class. There have been individual instances in which they committed crimes, of course.

Question. Were they crimes in the nature of violence?

Answer. Oh, no; I never thought they had any organized party in my part of the country to commit any violence.

Question. Is not their character rather the contrary where there is no provocation?

Answer. I think they are a very peaceably-disposed class of people.

Question. Do you know when this organization first started in North Carolina?

Answer. No, sir; my first knowledge of it was some time during the presidential canvass of 1868. I canvassed my county on the Seymour and Blair ticket, and went into the county of Randolph and made a speech at Liberty. There a gentleman from Guilford County, by the name of Higgins, came up to me and said that was his business; and I being a strong democrat, and, of course, favorable to the cause, he had no delicacy in approaching me about it.

Question. Was the order made use of to advance the cause of the democratic party?

Answer. Oh, yes; undoubtedly.

Question. Do you know who is the recognized leader and head of it in the State of North Carolina?

Answer. I do not; President Johnson was said to have been the leader in the United States; that was the information given to the members when they came in.

Question. You do not know whether that was true?

Answer. No, sir; only it was so stated.

Question. Was there any understanding that the organization in the county was connected with the State organization?

Answer. Oh, yes, sir; that was understood, that it was connected not only throughout the State, but throughout the United States.

Question. And ran down to a precinct?

Answer. Yes, sir; to a camp, under command of a captain.

Question. How long were you a member of the organization in good standing?

Answer. Well, sir, I suppose my standing was good up to the time I was arrested by Colonel Kirk; still my friends, in prosecuting my claim for the nomination as a candidate for the house of representatives of North Carolina, met with some opposition among the rampant spirits of the Ku-Klux on account of what they called my disaffection to the organization. They said I had rather taken a position against it than the organization; but my standing, I suppose, could be considered good up to that time.

Question. Were those outrages, whippings, &c., more frequent after the organization started in your county?

Answer. We never had any before.

Question. It was peaceable before the organization of this Klan?

Answer. Yes, sir.

Question. The violence that took place, then, was not from the individual acts of irresponsible men, but by order of the organization?

Answer. My impression is this: The organization did not remain in its original purity; I do not think in many instances they ever took the trouble to carry proceedings through the regular channel; I think, in a great many instances, they just gathered in neighborhoods in camp, and agreed together to execute a decree; a member from another camp would come and tell his friends that there was such a person needed some attention, and they would go out and attend to his case; that was done in order to prove an alibi; the man who was whipped or injured would generally suspect some person who lived in the neighborhood; that is the great reason that none of them have ever been caught or arrested.

Question. You cannot get the men?

Answer. We cannot get the men; and I think it is very probable there are numbers of men in the organization who, if they had ever been brought to the pluch before a jury, would have told the truth about the matter; but that was prevented by instances not occurring in which they were brought out.

Question. It would be difficult to make up a jury in the ordinary way without having some of them on it?

Answer. Yes, sir; especially when the sheriff and all his deputies were members.

By Mr. BAYARD:

Question. You have spoken of your separate organizations; you mean secret political organizations?

Answer. I do not know that the League was a secret organization; they held public demonstrations and had marching; I know nothing about the League, except that it was a republican organization; I believe nobody denied being a member of the League.

Question. Do you know whether that is an oath-bound association or not?

Answer. I do not, except as I have heard; I do not know that there is an oath at all.

Question. Do I understand you to say you took an oath to support the White Brotherhood?

Answer. I did.

Question. Who administered that oath?

Answer. A young man by the name of Jacob A. Long, who is now here; my partner in the law business.

Question. Did I understand you to say that your oath was, to obey all lawful orders?

Answer. To obey all orders.

Question. Then you did not use the word lawful in your former answer?

Answer. I did not intend to do it; all regular orders, I intended to say; all orders lawful within the order.

Question. Did I understand you correctly, to say that all sentences passed by these camps were to be the result of a unanimous vote?

Answer. Yes, sir; that was the regulation.

Question. Had any member a veto?

Answer. Yes, sir; one negative would prevent the passage of any decree.

Question. How many such meetings did you personally attend?

Answer. I never was at but one in my life.

Question. Where was that?

Answer. Near Graham; about a mile out of the corporate limits.

Question. What action was taken at that time?

Answer. Nothing except the initiation of some three or four members.

Question. Was any punishment decreed?

Answer. No, sir; that was, I suppose, some three or four days afterward.

Question. Have you personal knowledge of the voting of any sentence of punishment?

Answer. I have not.

Question. Was the evidence in Outlaw's case published?

Answer. No, sir; before the coroner's inquest, you mean?

Question. What county was he killed in?

Answer. Alamance.

Question. Who was the prosecuting officer?

Answer. J. B. Bulla.

Question. Do you know whether he ever took steps to have any one indicted for that offense?

Answer. I do not think he ever took any steps. I do not know that he made any effort before the grand jury.

Question. Where does he live?

Answer. In Ashboro, Randolph County.

Question. Did you take an oath in the Invisible Empire?

Answer. No, sir; I took an oath when I joined the Constitutional Union Guards, which was about the same.

Question. Was not one of the conditions of that oath entire secrecy in regard to all that was embraced in it?

Answer. Yes, sir; and death was the penalty.

Question. Did I understand you to say that since you publicly renounced your connection with the organization and had disclosed its secrets, you had been treated with coolness by your former friends?

Answer. Yes, sir; I have been published by the newspapers, the Sentinel especially, and some other papers of smaller note have taken some notice of it. None have spoken in good terms of me.

Question. Except the matter of newspaper talk and partial coolness to you, have there been any acts of violence toward you?

Answer. No, sir; there has been no attempt.

Question. Have you continued to reside in the same place?

Answer. I have.

Question. And continued your avocations?

Answer. I have attended very closely to my own business. I have not mixed in public since.

Question. Have you any knowledge whether these organizations of which you have spoken exist now?

Answer. Well, I think they do, outside of my county. I cannot say it really exists as an organization in my own county now. I think it was demoralized by the interference there. I think they exist in the adjoining counties; probably in the State, at other places, to some extent.

Question. Did I understand you that the elections in 1870 were not impeded by this organization in the counties of which you spoke?

Answer. I do not think it was; I am satisfied it was not in my county just at that time.

Question. Were you a candidate at the last election?

Answer. No, sir; I withdrew from the canvass at the time I was arrested and after my letter was published.

Question. Had you been nominated at that time? Were you on the ticket?

Answer. Yes, sir.

Question. For what?

Answer. For State house of representatives.

Question. When did you withdraw?

Answer. About the 20th of July. I was arrested on the 15th, and released on the 10th.

Question. Have you held consultations with members of the republican party with respect to this testimony here?

Answer. I have talked to republicans about the state of affairs there.

Question. Since your resignation from the democratic ticket?

Answer. Yes, sir, and before. I never made any revelation to a republican or any other person outside of the organization as to my being a member, or having anything to do about it, or its objects or aims, or anything of that kind before that.

Question. You spoke of Dr. John A. Moore, of Raleigh.

Answer. He lived at Company's Shops; it was at Raleigh I had the conversation with him last winter.

Question. You stated, as I understood you, that he had informed you that a majority of the conservative members of the legislature were members of the Invisible Empire; when was that conversation?

Answer. Some time last winter; I think in February.

Question. Do you mean members of the present North Carolina legislature?

Answer. No, sir; the old legislature. We elected a new one last August.

Question. What was the preponderance of sentiment in the legislature of 1870?

Answer. Out of one hundred and twenty members of the house, only about forty or forty-five were conservative. In the senate, out of fifty members, there were about thirteen conservatives.

Question. Where does Josiah Turner live?

Answer. In Hillsboro; he edits the Sentinel at Raleigh.

Question. Have you personal knowledge of the infliction of punishment upon any individual in pursuance of the sentence of one of these organizations; or, is your knowledge derived from hearsay?

Answer. Yes, sir; I think Outlaw was hung pursuant to sentence.

Question. How do you know that?

Answer. I knew that the organization of the White Brotherhood hung him.

Question. Were you then a member of it?

Answer. I was.

Question. Did you vote upon his case?

Answer. No, sir.

Question. Were you present at the meeting that condemned him?

Answer. No, sir.

Question. How, then, did you know?

Answer. Members of the organization who were present at the hanging told me afterward that they were there. At least one member did.

Question. Is that the only case of which you can speak?

Answer. Well, I know of some whippings which I learned from members of the organization afterward, were done by the organization.

Question. What year were they?

Answer. In the year 1869. Outlaw was hung in 1870.

Question. Do you know of any acts since Outlaw's of the character you describe?

Answer. In my own county I do not. Yes, sir; there were one or two whippings I think, in the spring, some time after Outlaw was hung; directly after the squad of United States soldiers were sent to my town. I think Hamilton Bren was whipped.

Question. How long were the United States troops stationed there?

Answer. They came shortly after Outlaw was hung—about a week, I think—and they were there regularly, I think, two or three days intervening between the departure of one company and the coming of another. One company was ordered to Lumberton,

Robeson County, some time in September. They were there regularly since September.

Question. Who was in command?

Answer. The first company that came was in command of Captain Collins. I forget the number of his regiment. The next was in command of Captain John A. Andrews, brevet lieutenant colonel. The last was in command of Eben Thomas.

Question. You say they were sent to Lumberton, Robeson County?

Answer. Yes, sir; to suppress a band of robbers in that county.

Question. Have you any knowledge of any other organized bands of men to commit violence in the State than those you have mentioned?

Answer. No, sir.

Question. Either by hearsay or otherwise?

Answer. I have seen some publications in the Sentinel about a band of colored men who were burning barns in Wake County. They tried them at a special session of the supreme court of Wake County last week, and they were acquitted. I did not pay much attention to it. It was stated that there was such an organization, and, I believe, that it was oath bound. I have not read the evidence.

By the CHAIRMAN:

Question. You stated that a majority of the members of the legislature of 1870 were republican, and that Dr. Moore told you that a majority of the conservative members of that legislature were members of this organization?

Answer. That is what I stated. A republican could not join the organization unless he violated the principles he professed.

Question. You stated that the meeting at which you were initiated was near Graham; was it held in a building?

Answer. No, sir; in the woods. There were, I think, some fifty or sixty members present when I got there. They all had on their disguises. I did not have any disguise myself. I never owned one or had one on.

Question. Did you recognize any persons in that disguise?

Answer. No, sir; because their faces were covered; the gown extended to their feet, and it was ornamented about the head with horns.

Question. Were they your neighbors whom you did know after you discovered them?

Answer. Yes, sir; some of them took off their disguises in my presence.

Question. How was the meeting protected from intrusion?

Answer. By pickets. Sentinels were posted around on the edge of the public road leading to Graham and to the Haw River, about a mile distant. It was in a thick woods, and they posted sentinels in every direction. The approach of a person was marked by a slapping of the hands, two slaps. If he was a member he would slap his hands, and he was answered by the sentinels from one to another till he came to the regular meeting. Candidates were brought in in the same manner by members of the organization. They, of course, had been approached about it before.

Question. Was there any reference to the Constitution of the United States in any of the oaths?

Answer. In the Constitutional Union Guards, as I understood, not in the oath, but in the explanation of the object, it was stated to be the reestablishment of the Constitution as it was, without the amendments.

Question. Were you sworn to support the Constitution of the United States?

Answer. I am certain I was not in the White Brotherhood, and I think they are not in the Constitutional Union Guards.

Question. Where any reference was made to the Constitution of the United States what explanation was made as to the meaning?

Answer. There was no reference whatever made to it in the White Brotherhood. In the Constitutional Union Guards the object was, as I have stated, as I understand, to restore the Constitution as it was, without the amendments brought about by the reconstruction policy.

Question. Have you any knowledge about the attempted assassination of Senator Shoffner?

Answer. Senator Shoffner introduced a bill into the legislature authorizing the governor to declare a county in insurrection, and to call out the militia to suppress raids and disturbances of the peace. The act appears in the statutes of 1869 and 1870. The introduction of the bill created considerable indignation among the members of the organization. The first I knew about it, a friend by the name of W. S. Bradshaw, whose affidavit I think appears in evidence, came to me one day in Graham, and told me that sentence had been passed on Shoffner, and the Klan would be at Shoffner's house that night to execute him. That was some time during the recess of the legislature for the Christmas holidays. It adjourned over from about the 20th of December till the 15th or 20th of January. I told Bradshaw it ought to be prevented if possible. Shortly afterward, I think, Dr. Moore, a member of the legislature, came into town, and I told him about it. He consulted with me, and finally agreed to get on his horse that night and go in the direction in which the men were coming and turn them off

by telling them that Shoffner had gone to Greensboro. Dr. Moore did go, and he afterward informed me that he met the parties and prevailed on a man by the name of James Bradshaw to tell them that Shoffner was in Greensboro, and that his wife was in a precarious condition, about giving birth to a child, and by various arguments and reasonings he induced them to go back. He told me he knew three of the men in the crowd. One was F. N. Strudwick, a member of the legislature from Orange; and another was A. Hedgepath, of Hillsboro.

Question. Mr. Shoffner, consequently, was not killed?

Answer. No, sir. I have learned since that he was actually in Greensboro. I did not know it at the time. Captain E. S. Enliss, who was a member of the Constitutional Union Guards, stated in his examination before the justice that he heard of the same effort being made to murder him that night, and he carried him to Greensboro; induced him to go.

Question. Did any members of the organization make any statement about their knowledge of or participation in the murder of Outlaw?

Answer. Yes, sir. I stated before that James Bradshaw told me he was along with the crowd that murdered him.

Question. Did you know him to be a member of the organization?

Answer. Yes, sir.

Question. Was there any other person—a man named White?

Answer. There was a young man by the name of White; he was quite a youth. I do not recollect that I ever saw him before he spoke to me about it. Directly after the soldiers came there (I suppose he had learned that I was a member) he came up to me on the street and said, "I understand the officer here has got the names of sixteen of us boys that were here the other night." I understood him to refer to the night Outlaw was hung. I told him I had not had any intimation of the kind. I did not know that such was the case. That was the only conversation I had with him.

Question. Do you know where Bradshaw is now?

Answer. He went West; but he is at home now, in Alamance County, or was; so I was informed. I have not seen him.

By Mr. BAYARD:

Question. You speak of Mr. White being a mere youth. How young were boys permitted to join this organization?

Answer. Really, I do not know. I think he was eighteen or nineteen years old. He lived in the country, and I had not been acquainted with him. I think he was as young a man as I knew that belonged to it. I did know one young man who belonged to it in another section of the country, by the name of McMurray.

Question. By the rule of the organization, did youths of his age become members?

Answer. There was no inquiry as to age. I am satisfied, however, that a mere youth would not have been taken in.

Question. How old was this one?

Answer. About eighteen or nineteen.

Question. Did you take any part in the war on either side?

Answer. Yes, sir; I was in the confederate army three years; about eighteen months in the infantry service and about the same length of time in the cavalry. I belonged to the first regiment, General Harringer's brigade, Company H.

By the CHAIRMAN:

Question. So far as you know, what is your belief as to the proportion of persons in this organization who were soldiers in the confederate service?

Answer. Really, now, the majority. Nearly every man in the country was a soldier in the army, between the ages of sixteen and fifty.

Question. Are the majority of persons in the organization confederate soldiers?

Answer. I take it to be so, simply because a majority of the men were in the confederate service in some way, either in the junior or senior reserves, or regular service.

Question. Will you furnish the names of three or four of the leading men on each side of this question in Alamance and Caswell counties; men from each political party?

Answer. In my county the present members of the legislature might be taken to be leading men—the late senator and member of the house of representatives. The election in August was set aside by the legislature on account of the presence of the military, and in December a special election was held. William A. Smith, president of the North Carolina Railroad, was elected to the senate, and Stephen A. White to the house, in August, but their seats were vacated. They are leading republicans in my county. Peter B. Harden, of Graham, North Carolina, is in town. On the other side, the present member of the senate, James A. Graham, lives in my town; and I will name A. C. McAllister, present member of the house; and John L. Scott, as a man who takes active part in politics, and who resides in my town.

Question. You are a member of the bar. Will you please state, if you have an

opinion, what would be an effective remedy for the disorders and violence that exist in that community?

Answer. Really, sir, I hardly knew.

Question. How many members of the present legislature do you know, either of your own knowledge or from communication with members of the organization, to be members of it?

Answer. I do not know but two, whom I have learned, as I stated, by passing the signs with Mr. Jones. I have heard of Mr. F. M. Strudwick.

Question. You said the speaker?

Answer. He was a conservative member of the last legislature, and is also a member of this. I do not know that he was a member of my own personal knowledge, but it is rumored that he is. Dr. Moore stated that a majority of the conservative members of the last legislature were members of the Invisible Empire.

By Mr. RIFE:

Question. These two new members elected in December last, were they members of the organization?

Answer. I think not.

Question. You think they never have been?

Answer. They could not stand the pressure at that time—the exposition of it would not pay. They could not get along with an acknowledged member, and nearly every man in the county who was a member of it either acknowledged it or was proven to be such; therefore the convention selected persons who were outside of the organization.

WASHINGTON, D. C., January 26, 1871.

HENRY C. LASHLEE, sworn and examined.

By the COURTWARD:

Question. Where do you live?

Answer. In Wake County, North Carolina, at Lashlee's Cross-roads.

Question. How long have you lived there?

Answer. I was born and raised there; never have lived out of the county but two years.

Question. Have you any knowledge of the depredations that have been committed in that part of the State by the organization commonly known as Ku-Klux?

Answer. I do not know anything, but I have seen with my own eyes, and then I have heard a great deal in the neighborhood. I have seen one negro woman that was whipped pretty badly. I saw the scars.

Question. What was her name?

Answer. Dicey Goodwin, she was called, but Dicey Johnson is her right name. She was a slave and belonged to Goodwin, and her husband to Johnson.

Question. When did the whipping take place?

Answer. About the 20th of October, 1869.

Question. How soon after it occurred did you see her?

Answer. I arrested the men she accused, about a week or two afterward. I was deputy sheriff and constable.

Question. What was the extent of the injuries that you saw?

Answer. She was scared about on the arms and body, some places about half a finger long and some a whole finger; cured principally; some two or three were not; had scabs on the places. She showed them to my wife, and I happened to go in at the time; she stripped off her clothes.

Question. Did she state to you where and by whom they were inflicted?

Answer. She said she believed; it was to the best of her knowledge and belief.

Question. What was her statement?

Answer. Her statement was, that some twenty or thirty disguised men came to her house, and called for her husband, Alek Johnson; she told them he was gone to the mill, and she did not expect him back that night. Then they went into the house and told her to come out. She told them she had a sick child in there—could not come out. So they went in and brought her out in the yard and whipped her.

Question. Did she give you the names of those she believed to have whipped her?

Answer. Yes, sir. She went before a magistrate in the neighborhood, and he took her evidence and sent it to the mayor of Raleigh. He would not issue the warrant; he said he was afraid if he did they would come and whip him. The mayor of Raleigh issued a warrant and sent Sheriff Lee up there, and I went with Sheriff Lee and executed the writ on two of them that evening, and another at three o'clock that night.

Question. How many persons were charged with the offense?

Answer. Only those three that she identified.

Question. Were they ever tried?

Answer. Yes, sir; but they proved themselves clear. One of them told me and Sheriff

Lee that he was at home that night sick, and then when he went to court he proved that he was nine miles away from home that night.

Question. What further do you know about the case?

Answer. I do not know anything more about that case.

Question. Have you any knowledge of those three persons being members of what is called the Ku-Klux organization?

Answer. No, sir; because I never saw them in disguise. They were the ones she swore, to the best of her knowledge and belief, whipped her; the others she did not know. One was Thomas Collins, another H. J. Barker, and the other Jackson Olive.

Question. They were all proved to have been elsewhere when the whipping occurred?

Answer. On the trial I was busy as deputy sheriff and did not hear the evidence.

Question. Of what other cases have you knowledge?

Answer. None that I have seen with my own eyes. I have never seen one in disguise, but I can tell you what is the general report. They went to Mr. Olive's house one night and disturbed his family badly; they broke one light out of the glass window and held a pistol on the window sill, and tried to get Olive to come out. His wife told them he was not at home. Then they asked if his son was there; she told them he was, but he would not come out. There were about nineteen of them, I think. Mrs. Olive told me this, and her son.

Question. Did she state that the men were in disguise?

Answer. Yes, sir.

Question. When did this occur?

Answer. I reckon it was about twelve months ago.

Question. Were any of them arrested?

Answer. No, sir.

Question. What other instances came to your knowledge?

Answer. They went to Squire Bennett's house, so he told me, and tried to get him out; accused him of tracking their horses previous to that time. He was at a corn-shucking when they called at his house, so they went to the corn-shucking and wanted to know if he was there; they said they wanted to have a settlement with him; they understood he had been tracking their horses some days before, when he went to mill. It was the same night they went to whip Dicey Johnson. Then they went to his house one time since then; I do not recollect when it was, but they never did any damage, only they tried to break the door down, but it was strong. His wife got up, but would not let them in, and he got up and got his gun and told his wife, I think, to tell them that if they came inside he would shoot them.

Question. Were you called on, as an officer, to arrest any of those men?

Answer. No, sir; not in that case.

Question. Is there any other case of whipping that you know of?

Answer. They whipped Sam Clemens, so they say, a colored man, who lived about five or six miles from where I live.

Question. When was that?

Answer. Some time last February, I think; it was before the spring term of the court which comes in April. He had two of them arrested and bound over, but they have not had a trial yet.

Question. Did you see this man?

Answer. I saw him at Raleigh.

Question. How soon after he was whipped did you see him?

Answer. Five or six weeks, may be.

Question. Did he call on you to arrest these persons?

Answer. No, sir; Deputy Sheriff Allen Maglin arrested them.

Question. Were they tried?

Answer. No, they were bound, not tried.

Question. Were you resisted at any time as an officer in endeavoring to serve process of arrest of persons charged with being members of the organization?

Answer. No, sir, not particularly. I had a writ against a man named Markham on a charge of attempt at rape upon a white woman. He fled away, and I could not get him for twelve months or more. Then the judge of the superior court issued a bench warrant, and I summoned a posse of young men to assist me, because I was an old man and could not run fast. I went to his house with my men; there we heard some rustling in the leaves, and supposed it was him. So I told one of the boys to go below the lot and fire off a pistol, and if it was him he would run up the lane and we would squat and catch him. As soon as it was fired the Ku-Klux, who were at a meeting about a mile from there, came to us and said if we did arrest the man we would never get him to Raleigh—the Ku-Klux would take him. I did not know him to be a Ku-Klux, but he was one of that party.

Question. This man who was charged with rape?

Answer. He was supposed to be one of the chiefs—this man Markham—the first one who ever brought the Ku-Klux about in that section of the country.

Question. When these men made their appearance what did you do?

Answer. We left and went over to a neighbor's house and there waited, expecting he would come in, but we were disappointed, and it was getting late and my company went home. The Ku Klux ran up with my company, and my company soon after parted from them and dropped out one side of the road.

Question. Was that man ever arrested?

Answer. No, sir; never been heard of since about the last of May.

Question. From your knowledge and experience as deputy sheriff, what do you say as to the general security of person and property in that county?

Answer. I think it is unsafe; if they knowed I was here for this purpose they would kill me in less than one week.

Question. Who do you mean by they?

Answer. The Ku Klux; they are all around me on one side. My closest neighbors around are republicans; the others are democrats. There are a majority of democrats in that township—twenty majority at the last election.

Question. My question is as to the whole county?

Answer. I cannot say any further than where I do business as an officer. The republicans are treated badly, because the officers in every township are what they call democrats. We call them there secessionists and Union, or republican Union.

Question. Is that insecurity or bad treatment attributed to the existence of this Ku-Klux organization?

Answer. Yes, sir.

Question. You say you are deputy sheriff; are you elected or appointed?

Answer. I am appointed by the high sheriff.

Question. Is he elected?

Answer. Yes, sir; by a majority of 664 in the county; but it is Raleigh that elects him. All the townships in the county elect secession officers. I have been constable for 31 years, pretty nigh all the time.

Question. Why do you speak of your own insecurity because of your testimony here?

Answer. Because I am an officer, and going about so much they would waylay me on the roadside, and shoot me by night. Sometimes I am in the night getting home, I collect taxes, and have sometimes six or seven miles to go to get home. And many a time I am out to arrest a man, and don't find him, maybe, till near night. I have to stay at his house to find him.

Question. Have there been any threats made against you at any time?

Answer. Not in disguise.

Question. Otherwise?

Answer. Some time about the 1st of November there was a sale in Chatham County, ten or twelve miles from my house, and I went there for the purpose of buying hogs. I was not acquainted with the people much. I did not see any hogs to suit me, and I started home. Just then I met a friend that I had not seen for some time, and I asked him where his brother was. He said down at the end of the lane. We went down to see the old gentleman. There I drank some cider, and started home. I was met by about sixty or seventy men, not disguised, who ran in lines and made a noise, wow, wow, wow, doubling and coming. Dr. Ben. Williams was in front. He ran his hand under my chin, and said, "You and Bill Holden and Tim. Lee are three of the damndest rascals in Wake County!" Said I, "Why?" He said "If it had not been for you the democrats would have carried Wake County!" I told him that I did not know that I had that much influence. Then he went on cursing me, and some one said, "Kill him with a fence-rail;" and others said, "Shoot him;" and others, "Stamp his guts out of him!" They disbanded and went off. I did not run. A Methodist preacher came up and told me to run—to make my everlasting escape. I told him I would not do it. Then another gentleman, Esquire Holt, (not a magistrate,) told me to run. I said no. I had my saddle-bags there, and dropped them down, and said: "The man that wants to fall first let him come up to that mark. There is more honor in their passing over my dead body than in my running!" They disbanded and went off. As they passed an old neighbor named John C. Graves, they said, "We will go and whip him some night genteeley!" I did not hear that. I did not know any of the men.

Question. None of them were disguised?

Answer. Nary one of them.

Question. Was it in daylight?

Answer. Yes, sir.

Question. What was the occasion of so many being together?

Answer. There was a sale that day, and some two or three hundred were there.

Question. Had you any knowledge of any of these men being members of the organization?

Answer. They were all men of that party. I do not know whether they belonged to the Ku-Klux or not.

By Mr. Rice:

Question. These men, Bennett and Olive, were they both republicans?

Answer. Both republicans. Bennett was a magistrate at that time, and a very respectable man. Olive was not at home that night.

By Mr. BAYARD:

Question. The head sheriff, you say, is a republican, and he appoints his deputies?

Answer. Yes, sir.

Question. All through the county?

Answer. Yes, sir.

Question. They are all Union men, the deputies?

Answer. Yes, sir; all except one, I believe, and he does not vote; a man by the name of Temple.

Question. In this scene in which you say this band of people made a threat against you, have you described the only occasion in which a personal assault or indignity was put upon you in the county since you have been in service in the last few years?

Answer. Yes, sir; that is the only one that they have ever troubled me.

Question. Are the sheriffs and officers able to serve their processes undisturbed?

Answer. No, sir; not every time.

Question. Do the men avoid them or resist them?

Answer. They conceal them; they concealed Markham.

Question. Is their forcible resistance to the execution of the law to your knowledge?

Answer. No, sir; they conceal them.

Question. Hide themselves to avoid arrest?

Answer. Yes, sir; they say he has gone to a neighbor's house, and when you go there and inquire for him they tell you he has not been there; when all the time he is there, as you find out afterward.

WASHINGTON, D. C., January 28, 1871.

PETER R. HARDEN, sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?

Answer. In Graham, Alamance County, North Carolina.

Question. How long have you resided there?

Answer. I was born and raised within three-quarters of a mile from where I live.

Question. State, as briefly as you can, your knowledge of the existence of what is known as the Ku-Klux Klan, derived either from your observation or from confessions made to you of its objects and mode of operations.

Answer. For several years I have been a magistrate in the county in an humble way; when this organization first began to make its appearance there, I was inclined to think there was no real organization in it; when complaints were made to me I thought it was more the acts of youthful indiscretion, and was disposed to treat it for a while in that way, as the indiscretions of boys disposed to have a little sport at the expense of little inflictions upon parties; but the complaints came in pretty rapidly to me, and, as a magistrate, I summoned several of the parties before me, and tried to make an investigation; the first investigation I made or attempted to make, I found that there must have been some general understanding between the parties that I had before me, for I could find nobody guilty of the crime; I had before me the person who was whipped badly, with the switches in his hands that it had been done with, having every appearance of having been used, yet I found no evidence against the parties complained of that I thought sufficient to bind them to court; it was but a little while after that similar complaints were made, and I went into the investigation again; at that time I had come to the conclusion that there must be some kind of organization; in proceeding to make the investigation, I found that an alibi was proven in almost every instance; that seemed to be the grand thing that they would fall back upon; for instance, in one case where I bound the party, he proved that he was in his piazza in his night-clothes about two hours before the crime was committed, but as that would have given him time to have got to the place and committed the act, I bound him to court upon other evidence; after that I made another investigation; I had several parties before me; there was a lawyer in the village named Badham, who appeared as counsel in this first case; I do not think there was any counsel in the second one; with all his ability and energy neither of us succeeded in finding any party guilty; but after the second attempt it began to look to me as if I might reach into the merits of the thing; the first raid of the organization through our village was made while I was in Baltimore, some time in the spring of 1869; in that raid they stopped in front of Badham's house, as has been proven by others; he had become obnoxious to the Klan, and a letter was thrown into the piazza, threatening him if he continued to investigate these Ku-Klux matters; and also P. R. Harden, who has got more sense than to be engaged in such things, and saying, "We will call on you," or "Hold you responsible for it;" that is about the substance of the letter; that we must not continue to investigate these cases; if we did they would punish us for it; they marched in front of the house, and made taunting remarks, growls, grunts, groans, and

insinuations; well after that, as an officer, I began to think I was getting into trouble about it; the thing began to be so common, so much whipping going on, hanging, &c., and when the parties were bound over to the court, and no bills were found against them or the cases were continued, I became reluctant to do anything more, for I did not want to be made a martyr of; there were some other complaints made before me, and I refused to investigate them without the other magistrates around would cooperate, in the shape of a little court; I have had a great many threats made to me, and they were generally, I think, because I was a civil officer; I am not a political man, never sought office; I got the appointment of magistrate by the governor and legislature, &c., during the war; after the war was over I was appointed by the governor; I always tried to do my duty, and after the election of magistrates came into the hands of the people, the citizens elected me again.

Question. You have taken no part in politics?

Answer. I am no politician; I have always entertained my political opinions, and voted my sentiments, but never was an office-seeker.

Question. Do you state, as derived from your experience as a magistrate, that this secret organization does exist?

Answer. There is no doubt of its existing.

Question. From knowledge you have derived as a magistrate, what is its object and its mode of operation?

Answer. Being a magistrate at the time the governor ordered the militia there, and while they were making arrests and a great many confessions were being made, several of them before me, I can say that these affidavits almost invariably stated that the object of the organization was to put down the radical party, as they term it there, and build up the conservative party.

Question. By what means was that purpose to be accomplished?

Answer. In any mode that they would see proper; in one of them I recollect it was to be accomplished by committing murder or crimes of any kind; the thing they might resort to.

Question. Did your investigation as a magistrate reveal to you the existence of any other political organization, having any political purpose in view, whose mode of proceeding would give rise to disorder and violence? If so, state what it was.

Answer. I never heard of any other organization that led into acts of crime; I have heard of a political organization known as the League; I know nothing of it except what has been said, mostly through the papers.

Question. Did any instance of disorder or violence, arising out of the existence of this organization, ever come before you? If so, what?

Answer. No, sir; nothing of that kind ever came before me; I never heard of anything of the kind.

Question. Were the instances of taking of life or other disorders numerous in your county?

Answer. Yes, sir, they were.

Question. Can you state the number of them within the last year?

Answer. One murder was committed in our village about twelve months ago.

Question. Who was that?

Answer. That was a man by the name of Outlaw; that was the second demonstration they had made in the village; the first time I was in Baltimore, this time I was at home.

Question. What did you see that night?

Answer. I was woke up by the dogs keeping up such a tremendous barking; I got up and remarked to my wife, "Did you ever hear such a noise among the dogs?" She said "she had been awake listening to it, and there must be something the matter." I went to the window and saw a man in disguise galloping on a horse; just then my daughter, who had looked out through another window, came to my door and said, "Pa, that is the Ku-Klux;" she had seen them the first night; she was very much frightened.

Question. What was the disguise?

Answer. The man seemed to be wrapped up with something dark, and he had something stuck up sharp over his head to a great height; it reminded me of what I had seen in circuses worn by the clowns.

Question. Did it conceal his features?

Answer. Yes, sir; every feature was concealed, and the person was concealed; the horse was not. He passed by in the direction where this colored man was living. In a little while after he came along, and they went down the other way toward where a colored man who works for me lived, named Henry Holt. Directly they came back, and then went up in the same direction the first one passed. They were in disguise also, but in white disguises. Everything seemed to be quiet for awhile. I must acknowledge I felt a little intimidated, but I was determined to live it right out there. I could hear them from place to place, from the dogs making such a noise. They seemed to be quiet for nearly twenty minutes, then all at once they commenced a tremendous howling—a most ungodly noise—the most horrible noise I ever heard; every

man seemed to be making a most doleful sound in his own way. Directly they came up around my storehouse, and came right down by my house. Several passed before I thought of the idea of counting them, but I thought there must be at least forty or fifty in the gang. I learned afterward, from some who counted them accurately, that there were about seventy-five. They rode around two or three squares, making the noise. My family were almost scared to death. My little boy was so frightened that I had to apply something to keep him from fainting. My children knew of the threats against me, and I began to conclude that my time had come. While I was restoring my little boy, they had gone off. It was not a very bright evening, but I could see the man who was dressed in dark, and could tell the shape of his hat. I concluded it was merely another raid like that that was made before, and thought perhaps nobody would be hurt, any more than that they might have taken somebody and whipped them. I went to bed, and slept. Early in the morning I heard that Wyatt Outlaw was hung. I said it certainly could not be so; I thought it might be his effigy that they had hung. It was raining. I went out and saw him hanging on the elm, twenty or thirty yards from the court-house, on the public square. I still thought it must be a man in effigy. I found it was the negro man. They had pinned on him a paper, and on it was written in a plain hand "Beware, ye gully, both black and white. K. K. K." The coroner was sent for, but he happened to be out of the way. Everybody was afraid to take him down, for fear they might get themselves in trouble. He hung there till about eleven or twelve o'clock in the day. Finally the coroner was got there and the sheriff, and they took him down and summoned a jury, and held an inquest. After the inquest, some of the colored people wanted to take charge of the body and bury it. They were so afraid to touch it, lest they should make themselves blameable, that one or two refused actually to take hold of the body and carry it to the house. I saw all this with my own eyes. I know the fact, from testimony, that a negro man was thrown into a mill-pond and drowned.

Question. Was anybody arrested for the murder of Outlaw?

Answer. Nobody was ever arrested.

Question. Anybody identified as participating in it?

Answer. In some confessions made by those who were arrested, I think it has been intimated who some of the parties were.

Question. Has there ever been any effort to arrest them?

Answer. No, sir; except by the militia—no civil authorities—never any special complaint made before me, as a magistrate, about it.

Question. What is the population of the village in which this occurred?

Answer. Some three or four hundred; a small village.

Question. A sheriff and officers residing there?

Answer. Yes, sir; a county town. The sheriff does not live there, but four miles from the village. His office is there.

Question. Any judge of the court residing there?

Answer. No, sir; the judge of that district, A. W. Tourgee, resides in the adjoining county, at Greensboro.

Question. Was this colored man a peaceable citizen?

Answer. Quite so, sir.

Question. Industrious?

Answer. Industrious, self-sustaining; he had lost his wife; he had some three or four children with him at the time, and had his mother living with him.

Question. Any ground given there for the proceeding—any charge made against him to justify it?

Answer. Never was anything alleged against him to excuse the crime, except it was said afterward that he had shot at them when they were there the first night—that is, twelve months before. I never heard any other allegation against him.

Question. You had never heard of that before he was hung?

Answer. No, sir. In making the first raid they went up the village where some colored people lived, and shot through the houses, but did not kill anybody.

Question. Was there any political reason assigned?

Answer. There was never any political reason assigned, except that he was appointed one of the town commissioners, which was very objectionable to some of the population there, he being a colored man. Afterward he was a candidate, and his opponent got some two or three more votes than he did. In that little canvassing of the town for that office he was quite objectionable to his opponents—one of them especially.

Question. After this thing occurred was there any difference in the tone of public sentiment in the two political parties as to the offenses?

Answer. You mean by that, whether there was one class that would justify the murder and another denounce it?

Question. Yes, sir; I want to get at the tone of public sentiment, if possible.

Answer. I will explain in this way: If a stranger were to come into our village, he could have told every democrat and every republican simply by hearing them express themselves—the conservatives unanimately justifying it, and the republicans, or radicals, as they are termed, unanimately denouncing it.

By Mr. RICE:

Question. Was that usually so in regard to cases of violence that occurred in the county—one party justifying and the other condemning them?

Answer. Yes, sir; as a general thing, there was a kind of justification by one party and denunciation by the other; or rather, if there was not a justification, there was a kind of apology made for it. For instance, if a colored man was whipped, they would say, "Well, he has been doing so and so, and ought to be whipped." I know of some cases where they would allege that the colored man was guilty of such and such a crime, and I would remark, "If he is, why not complain to the civil authorities and have him punished for it?" They would say, it has been overlooked; or, they would rather take the thing into their own hands.

WASHINGTON, D. C., January 30, 1871.

PETER R. HARDEN, examination continued.

By the CHAIRMAN:

Question. Your testimony closed on Saturday last after you had detailed to us what you know about the hanging of Outlaw, and you had answered some questions put to you by Mr. RICE. Will you go on and now state any knowledge you derived from your position as a magistrate concerning other outrages committed in your county? Give us their nature and number as briefly and succinctly as you can.

Answer. I think I closed on Saturday after giving an account of what I saw and knew concerning the hanging of Outlaw. In that account I mentioned the name of Henry Holt, a colored man, from the direction of whose house these disguised men came. On the morning that the body of Outlaw was found, it was ascertained that these persons had gone to the house of Henry Holt and taken the bed-cord from his bed, and with it hanged the body of Outlaw to the tree. They told Holt's wife that they had come there to get Henry Holt, but as he had got out of their way then, they would call for him again on the next Saturday night. That is about all I know of those two outrages. Since Saturday I have made a little memorandum of some other cases that have come to my knowledge. There are many others that I know nothing about except from hearsay. The first of the cases I have noted on my memorandum is that of Joseph Harvey and his child. He was the second party who made complaint to me, and whose case I investigated in my humble way as a magistrate, and bound some of the parties over to appear at court. In that raid they took Harvey out, dragged him through the woods roughly, whipped him severely upon his back, and abused him pretty badly; besides whipping him, cuffed him about a great deal. While taking him from his house, they got into a little scuffle or wrangle, and in it knocked Harvey's child from the arms of its mother and trampled over it so much that the child died from the effects of it. The next on my memorandum is the case of Caswell Holt. He was the first man who made complaint to me as a magistrate. I investigated the matter the best I could; had several witnesses, fifteen or twenty in number, I think. This man, Caswell Holt, represented to me that he felt satisfied that he knew one or two of the persons, and gave his reasons for thinking that he knew them, their voices, notions, &c.; they were all in disguise. I got nothing, however, from any of the witnesses in that case sufficient, as I thought, to warrant me in binding the parties over to the court, and I dismissed the case. All of them proved that they were somewhere out of the way. I was satisfied that there was not sufficient to warrant me in binding them over, or, if they were bound over, to convict them. The next case is that of Squire Alston; he was a colored man. Quite a number of them went to his house; I did not investigate this case, but quite a little number of them went to his house. When they broke open the door and got into the house, Alston's wife picked up an ax and struck at one of the party, and cut his head nearly open. It was thought for a while that he would certainly die from the effects of the wound. The party got into a general wrangle or fight, and I do not think they got the negro out so as to give him a real whipping; but the thing was given up on account of the fight they got into there.

Question. Do you know the name of the man who was struck with the ax?

Answer. I know the man who was said to be the man she struck.

Question. What was his name?

Answer. His name was Steele. He fled the country as soon as he got well enough, and I am told he is now in Texas. Steele was secretly kept in his father's house until he got so that he could move and leave the country, and he has not been back since.

The next case I have noted here is that of William Harnday. He is a white man. He made the statement to me himself. He did not apply to me as a magistrate for any protection, but he made the statement to me. He said that a party of fifteen or twenty men in disguise went to his house at a late hour in the night and called him out. He refused to go out; they insisted that he should go out, and said that they wanted to see him. Harnday refused to go out; he was armed in his house, and stated to me:

that he intended, if they broke in his house, to make the best of it that he could; for he knew if they took him out they would treat him cruelly. Finally, not getting at Harnday in that way, several shots were fired through the window, and one or two of them struck within a very short space of the head of Harnday's wife while she was in bed. He sort of kept in a corner, and they did not hit him, as they expected. After that they went away.

The next case, I think, is that of Alonzo B. Corliss. He was a white man.

Question. If you can, as you go along, will you give the dates of these outrages?

Answer. Holt, Harvey, Alston; all those acts were done along in the spring of 1869, I think it was; and in that same year, I think, Corliss was outraged in the same way. All those that I have mentioned were along in the early spring of 1869. This man Corliss was sent by some society from the Northern States to teach a colored school at Company's Shops, two and a half miles from the village where I live. He was taken from his house by a gang of these disguised men, and carried through a thicket of woods, dragged along. He was a man that could not walk, but went on crutches, and they just dragged him along through the woods and bushes. His wife protested all she could, and hallooed and made all the noise she could; but the alarm she made did not call any assistance to her. They whipped him severely, tortured him in different ways, stripped him, I think, nearly naked, and went off and left him lying on the ground. This was in the year 1869. These others, I think, were in the early part of 1869; but this case of Corliss was in the fall of that year.

The next case is that of John Ringstaff, a white man; he made complaint to me; fifteen or twenty disguised men went to his house and broke in the door; the first thing they did was to take his gun from some loops over the door; they seized him while he was on his bed, carried him to the woods, and whipped him severely.

The next case is that of Leonard Rippy; Rippy was taken out of his house and whipped, and tortured in many ways.

By Mr. RICE:

Question. Was he white or colored?

Answer. White; all three of the last persons I have named were white. Rippy said they treated him in this way: they made him get down on his knees and whicker like a stallion—to make noise like a stallion, and to go through the acts of a stallion, and all that towards a colored woman. He did not make any complaint to me, but I heard him make the statement.

The next case was that of Nathan Trollinger; he was a colored man; he was taken out and whipped and tortured in a great many ways; they made him take out his pants and prick it with his own knife, sufficient to make the blood run; they tortured him in a great many ways.

The next case was that of Sandy Sellars, a colored man; he made a complaint to me; but by that time I had found that I could not reach these cases as a magistrate, and so I put him off by telling him to make his complaint before the grand jury at the next term of the superior court.

By the CHAIRMAN:

Question. What was the date of that case?

Answer. That was in the year 1869. I could get the exact dates, I suppose, but I do not remember them now, so far as the months are concerned. They took Sellars from his house, carried him to the woods, whipped him severely, bent him down after whipping, took a rough stick, and, with a man hold of each end of it, rubbed it up and down his backbone.

The case of William Simpson, a white man, is the next case I have on my memorandum; he was taken from his house, very roughly dragged and carried to the woods, through the brush and thorns, with nothing on but his shirt, I believe, tied to a tree, and whipped severely with switches.

The next case was that of Anthony Foster, a white man; they went to his house, took him out, used him roughly in different ways; I think they whipped him a little, and threatened him if he did not do so and so.

Question. What were the threats they made?

Answer. That if he did not leave the neighborhood they would do so and so to him. In some of these cases I can tell the alleged causes for these acts; I cannot tell in all, but in some of them I can.

Question. Give us the whole truth in regard to these cases?

Answer. I will give all I can. After I have got through with the other cases I have noted on my memorandum I will mention the alleged causes for these acts where I can. The next case is that of Mrs. Polly Cuppins and daughter. They went to her house, turned them out of doors, threw the house down, and somewhat abused the persons of the women, and left them.

By Mr. RICE:

Question. Were they white or colored women?

Answer. They were white. The next case is that of John Bason, a white man. He was a watchman in a cotton factory there. They went up against him unexpectedly, seized him, carried him away from where he was doing duty as a watchman, whipped him severely, and turned him loose. There was a man by the name of Siddell who was an operator in one of the factories there—machinist would perhaps better express it. They took him out from his room and whipped him. They made some other promises to Siddell. I do not remember the exact words now, but they left some messages with him that he must change his course of conduct.

By the CHAIRMAN:

Question. Change his course of conduct?

Answer. Yes, sir; I will tell about all this when I have got through the list—what the alleged causes were. The next case on my list is that of George Rippy, a colored man. They went to his house, took him out, whipped him severely, and turned him loose. Then there was the outrage of burning the school-house at Company's Shops, near where I live. Then there was the threatening the life of Mr. Shoffner, a senator in our legislature. They banded together and started off to assassinate Shoffner, but were met by one of the Klan who told them that Shoffner was not at home that night; he told them that in order to stop the assassination, and through his influence he got them to turn back. Then there was the placing of a coffin at the door of Joseph McAdams, who is a white man. That is about all I know that really came under my observation, cases that were fully stated to me by the persons themselves. Many other outrages were committed.

Question. These were all within the limits of Alamance County?

Answer. These cases were all in my county, and all of these persons made complaint to me or I heard them state the facts. Some of them I investigated and some I did not. None of them have ever been punished.

By Mr. RICE:

Question. Were the persons engaged in committing these outrages all represented as having been masked?

Answer. They were all masked.

Question. Were these acts all done in the night time?

Answer. Yes, sir; all in the night time.

By the CHAIRMAN:

Question. Give us briefly the alleged causes for those acts.

Answer. I never heard anything charged against Outlaw until after he was hung. The apologies I saw made to justify the act was that he had shot at the Ku-Klux when they made their first raid in our village. I think I stated that Saturday. They went for Holt for the same reason, that he had shot at them on the night they first made their appearance there. I overlooked one name as I went over my list just now, the case of William Puryear, a colored man. Puryear was not a very bright negro; he was a negro of very ordinary mind. The night that Outlaw was hung, or the morning after, this William Puryear saw some of the raiding party going home; they had staid out till it was about day and when they went home he saw them and knew who they were. After he heard of the hanging of Outlaw he up and told who he saw going in disguise that morning, and mentioned the names of some of the men who were there that he saw going home. He went to our village for the purpose of telling this to some of the officers who were there in command of a small squad of soldiers. I do not recollect now who they were. When he went back home, after being over to the village, they went to his house, a gang of them, in disguise, at a late hour of the night, took him out of his house, carried him to a mill-pond, tied a large rock to his arms, and threw him into the pond. The cause of that was that they were afraid he would expose those he saw going from the raid.

Question. He was drowned?

Answer. Yes, sir; he was found some time afterward in the mill-pond, dead. It was a month or two months afterward that he was found. It was well known when he was missing. Search was made or pretended to be made for him in the neighborhood. There was a great deal said about it. Those who were disposed to apologize for crimes of this kind there said he had gone away from home; that it was known he had taken some two or three days provisions, and gone away. His wife, and those she spoke to, who had cause to believe that there had been cruel treatment to him, insisted all the time that he had been made away with. But he was not found for some time afterward, and then he was found in the mill-pond. I never heard of any alleged cause for whipping Alston. Harnday is as respectable a man as we have in our country for truth, honesty, and sobriety. I have never heard of any cause for the outrage on him, but his politics.

Question. What was he?

Answer. He was a republican. Corliss was said to have been whipped, because he was teaching a colored school. Those who justified the crime said that it was for tak-

ing seats in the church with colored persons. The excuse for whipping Ringstaff, was that he was too intimate with the Gappin women. The alleged cause in the case of Rippy was that he was too intimate with a colored woman. Of Trolinger I never heard any cause alleged in his case. The Sellars outrage was never pretended to be justified; and I never knew of any alleged cause for the whipping of Simpson. Those who apologized for these crimes, said they whipped Foster to get him out of the way.

Question. For what reason did they want to get him out of the way?

Answer. The truth is, Foster is a kind of low-down man; he is a man of not very good character; has some loose women about him. It was a place that was visited pretty freely, and Foster seemed to be in the way. They wanted him away, I suppose, and then their chances would be better. I never heard anything alleged for the outrage on the Gappin women, except that they were loose characters. They whipped Buson because he did not go to the election. Buson was a poor man, but a good republican. He was in the employ of a strong conservative, and thought, in order not to oppose his employer, that he would not go to the election, or vote at all; so, on the day of the election, while the rest of the operatives went to the election, he staid at home. A night or two after that they whipped him, and said at the time that they whipped him for that reason, because he did not go to the election and vote.

By Mr. BAYARD:

Question. What year was that?

Answer. I am not positive as to the year; I think it was before the presidential election, may be; it was just before some election of some importance; it was either that or the constitutional election. Old man Siddell was whipped—at least the excuse they gave for whipping him was—because he was too intimate with some of the young ladies around the factory. I never heard any reason given for whipping Rippy. The school-house was burned because colored people were taught there. Shoffner was persecuted because of the rigid militia bill he introduced, and which was carried through the legislature. A coffin was placed at McAdams's door because he was a republican. These are about all the outrages I know of to my own knowledge. There were many others.

By the CHAIRMAN:

Question. Between what two periods of time did these occurrences take place? Fix the earliest period and the latest period that they took place.

Answer. I would say from about the first of the year 1869, running all along up to the middle of the summer of 1870.

Question. What were the party relations of the men who were injured, so far as you know?

Answer. All of the white men (I know every one of them) were republicans except Foster. Foster has always been a democrat, and is a conservative now. I think he votes the conservative ticket if he votes at all. The colored men were all republican in politics. Shoffner was a republican, and represented my county in the legislature. McAdams was a republican.

Question. What were the politics of the sheriff and his deputies in your county?

Answer. The sheriff is a conservative and a Ku-Klux.

By Mr. BAYARD:

Question. What is his name?

Answer. Albert Murray; I do not think he has any middle name.

Question. Of Alamance County?

Answer. Yes, sir.

Question. What is his post office address?

Answer. Graham, Alamance County, North Carolina. By the way, while we are speaking of the sheriff there is one other thing I want to speak of in connection with him, for I think it is my duty as long as I am asked the question. He is the sheriff of the county; he is a conservative, and he is a Ku-Klux. The county is divided off into eleven districts, and each one of those districts has a board of district commissioners for the transaction of business; each one of those districts has a deputy sheriff, and every deputy that this sheriff has is a Ku-Klux; I think I am safe to say that every one of them is a Ku-Klux. There are eleven of these districts in my county.

By the CHAIRMAN:

Question. What has been the effect of those proceedings upon the feeling of security for persons and property in that county? State what it is in your own case; what is your own feeling as to your own security, in consequence of those proceedings in that county?

Answer. It has been of the most horrible character.

Question. Were you there during the war?

Answer. Yes, sir; I was born and raised right where I now live. I was politically an old-line whig. When secession was advocated there, I was an opponent of the prin-

ciple of secession. After we got into the war I never had any hope of our success I was free at all times to speak my sentiments about it. I never sought any office; I never was a political man. But I entertained my political opinions, and talked freely with my friends, and many of my friends have always differed with me politically. As good friends as I used to have there, when I was entertaining old whig principles, were men who entertained old democratic principles. I had as good friends on that side of the political question as I had on my own side, and with as neighborly feelings. Therefore, during the war I was free to express my opinions whenever I was called into conversation upon matters of this sort. I always doubted our success. I never could see the bright spark in the principle of secession. After the war, having always been a slaveholder, of course I was not very well satisfied with the result of the war. But I made up my mind to this, as soon as the secession movement was made, I knew the great question was right there upon that one thing, that slavery would go up on account of the failure of the Southern States. If we succeeded, there was a chance to hold it. Thus I was prepared, as a result of the war, when the war was over, to give up my slaves, and then I would have taken the situation as it was.

My first idea was to support what was talked of and known with us there as the Howard amendment. I thought that was a proposition made to us that we could accept. I was in favor of that. I had always conferred very freely with Governor Graham upon everything of a political nature, and we had always run precisely together up to that time. I had some talk with Governor Graham at my house. I told him I was inclined to think that we had better accept the Howard amendment; but he insisted not. I had always looked upon him as a good statesman. Through his arguments and persuasions I did not support the first election, which included that Howard amendment. I thought afterward I had committed an error, and I thought a great deal of it. Thinks I, the next time a thing of that kind is put before me I will act on my own judgment. I felt like we had let the bird loose, that we had better take that than contend for something further. Then, when the new constitution of our State was submitted to us I voted for it, and there I and Governor Graham parted. He has always been a leading politician in our State, and one in whom I have had great confidence up to that time; but then I took one way and he the other, and we have been so ever since.

Question. The point to which I desired to direct your attention was the degree of comparative security you felt during the war, and what your feeling has been since those outrages have been committed.

Answer. I have made this little statement only to show you that during all these troubles I never saw the time that I did not feel perfectly safe to act and do and say my will. But since the adoption of our new constitution, since the organization of these Ku-Klux, and since these threats have been made toward me, and since I have seen so many executions of the threats really made by these Ku-Klux, I have for the last two years been in real suspense of my life. I have had to change my sleeping room. I and my wife used to occupy the lower floor of my house, to sleep in what I called her room; but since these threats have been made toward me I have changed my place of sleeping. I speak of this only to show that I felt an uneasiness about it. I have taken as my sleeping room a higher room in the house, one as secure as I could select; and I never think of lying down at night without a good supply of arms right at hand. I have felt insecure many a time; I have laid down in dread and fear for a long time; I actually hated to see the night approach. I felt perfectly safe, perfectly secure in the day time, but for a long time I actually hated to see night approach.

Question. You have stated, now, your own feeling in consequence of this state of things; to what extent do you believe that to be the feeling entertained by Union men, as they are termed, generally through your county and State?

Answer. If they tell me what they really think, they are just in my fix. I have talked with almost every man of any kind of respectability in our county,

Question. Do you believe that sense of apprehension and insecurity prevails among the Union men of North Carolina?

Answer. Yes, sir; all over the State.

Question. So far as you know, confine yourself to your own county.

Answer. So far as I know, it does. I am satisfied it is the case in my county, for there I see people from different parts of the county every few weeks. I have talked freely, especially with republicans from all over the county. Many of them look upon me as a man of somewhat tolerable judgment, and they talk with me upon matters of this sort.

Question. At the time the State militia were ordered into Alamance County do you believe that justice could be obtained in the civil tribunals there for any of these wrongs of which you have given us a statement?

Answer. I do not.

Question. For what reason?

Answer. Because the organization there had within their bounds all the county officers; that is, they had the sheriff, the deputy sheriffs, and, as a very natural conse-

quence, they would have had the juries. They have sworn, and have shown it by their acts before me, that they would not allow any one of them to be caught up for any act that was committed by them in their disguises.

Question. By whom is the jury selected in your county?

Answer. The jury is drawn from a box. The county commissioners put in a box the names of those in the county they think are competent to make good jurors. Among them are the names of many good republicans, but a large majority, perhaps more than two to one that would be drawn out of the box would be of men who actually belonged to the Klan. The names of very few negroes are put in the jury box there. "Colored men" you call them here, but we are so in the habit of calling them negroes there that we still keep it up.

Question. You have stated that a number of persons went before you, as a magistrate, and made confessions of their connection with this Ku-Klux Klan?

Answer. Yes, sir.

Question. When did that cease, and to what do you attribute the stopping of those confessions?

Answer. That was while the militia was there making arrests. After the first arrest or two were made, which was done in my village, right in my presence, it created a great deal of fear among those who belonged to the Klan. The governor had made some proclamation that if those who belonged to the Klan would come out and expose the thing fully he would—I do not know whether he promised that he would release them from any harm or not; but he promised in this proclamation to give them some protection if it might be in his power. Taking advantage of that a great many of them came forward and made confessions in writing of what they knew about the organization, &c. They could hardly be attended to as fast as they would make applications. I being a magistrate there and a merchant, they kept my store crowded constantly, asking me to go and let them make their confessions to me, and to do their writing. I finally gave up one of my clerks. I told them he would do their writing, and then they could come and make their affidavits before me. They kept him nearly constantly employed writing out their confessions. After their confessions were written out, I would take them and read them over to them, and they would make affidavit to them before me as magistrate. But so soon as Judge Brooks issued his writs and it was known there, it stopped almost as suddenly—well, more so than it started. It stopped just as soon as it was known that Judge Brooks had issued writs of habeas corpus. Some had actually had their confessions written out, and then held them back without making affidavit to them.

Question. Did any of them call on you to get back those that they had made?

Answer. None of them called on me; but they did try to get some back from a magistrate who had written out some in the country, and he would not give them up, so he told me.

Question. Have you any knowledge of means used to prevent persons of either party from attending the special election held in December last? If so, state it.

Answer. There was one means I know that did prevent many from voting on the 24th of December; the larger portion of the colored men in my county had been in the habit of registering and voting at the court-house, but at that election it was ruled—said to be by authority; I never saw it—that no person should be allowed to vote outside the district in which they lived; on the day of election a great many colored people came to the village from the different districts of the county for the purpose of voting, as they had registered and voted there before; there having only been about five days' notice for the election, all they knew was that there was to be an election, and they went to vote in their usual place for voting; but when they got there they were refused to be voted, and were told they would have to go to their own districts, which they could not do then; I know of a great many cases of that kind, and I suppose the same thing existed in other districts.

Question. By whom was that announcement made?

Answer. The conservatives claimed that there was legal authority for holding the election in that way; first, the republicans objected to it, and said there was no law for it, but the conservatives insisted that there was law, and held it in that way.

Question. Were there any other means of intimidation?

Answer. There were intimidations at my place; there were a large number of conservatives gathered up around the polls, and bullied around in such a way that every republican that went up to vote, they would halloo and cry out, "Kirk and Bergen" to him, and everything they thought would insult him.

Question. Was any reference made to the fate of Outlaw in any meeting preceding the election that you heard?

Answer. I never heard of any except at a meeting in the court-house a few days before the election, when Turner, the editor of the Sentinel, made a speech. I heard that in that speech, after he had advanced considerably in it, he turned to the colored people, and said, "I told you before the first election, that if you voted for these radicals they would lead you into trouble. But you went and voted for them, and since that time

Outlaw has been hung and Puryear has been drowned, and many of you have been scourged." Says he, "Now I stand here and tell you to day, that if you continue to vote for that radical party, your troubles have been nothing to what you will have." I did not hear the speech, but some men who did, told me he said that.

Question. Were there any notices put up prior to the day of election, of warning?

Answer. There was a notice put up at Company's Shops, so I understood, of a threatening character; I cannot tell precisely the words of it, we have so many notices of that kind, but it was threatening to inflict punishment on the governor and Judge Pearson, &c.—that they had the power to do it.

Question. You did not see the notice?

Answer. No, sir; I saw a man who did.

Question. You have spoken of Governor Graham—is that W. A. Graham?

Answer. It is.

Question. How far does he live from the town of Graham?

Answer. He lives in Hillsboro, in the adjoining county of Orange.

Question. What is the state of things in that county?

Answer. Well, I guess pretty much the same as in ours; I think there have been more murders just on the line inside Orange County than in our county.

Question. What efforts by the authorities of that county, to your knowledge, have been made to bring these men to justice who have committed outrages?

Answer. I know of no efforts being made outside of what has been done by the magistrates; indeed, I do not know of anybody that has gone quite so far with the thing as I did myself as a magistrate, and that is my misfortune.

Question. Have you done anything else that you are aware of in your capacity of magistrate than to investigate these cases, that has caused this feeling toward you?

Answer. I think nothing has caused any unkindness with the organization toward me outside of my acting as a magistrate; I do not think my simply being a republican, and entertaining my politics, would have incurred their displeasure against me; it is simply because I went forward in a sharp way to investigate those outrages, and bring the parties to justice, that I have incurred their displeasure.

By Mr. RICE:

Question. Why not against you as a republican?

Answer. I have never taken any active part in politics; I am not looked upon as a politician, only as a citizen that entertains political opinions. I never have sought office, never had my name run for an office, except two years ago, when they elected me magistrate.

By Mr. BAYARD:

Question. How were you elected?

Answer. By the people of the district.

Question. You spoke of a proclamation for a special election; under whose proclamation was this special election held?

Answer. I did not speak as to the proclamation.

Question. You said a special election was held; under whose notice was it called?

Answer. The legislature ordered an election to be held; I think it was since Governor Holden was held for trial under the impeachment, and Governor Caldwell was acting as lieutenant governor.

Question. By what political party was Lieutenant Governor Caldwell elected?

Answer. By the republicans.

Question. You have spoken of a series of outrages committed upon individuals, and of persons who were alleged to have committed them; do most of those by whom the outrages were alleged to have been committed still reside in the State, or have they fled and gone elsewhere?

Answer. At the time of the arrest by the military sent by the governor, there was a great many of them fled the State. Indeed almost all that were deep in the thing, or were thought to be guilty of crime, fled the State; but they have come back; I think the last one has got back now.

Question. Do you know of organizations there known as Union Leagues?

Answer. I do not know of my own knowledge—only as I have heard men say they belonged to the Union League.

Question. Do you, or not, know of the organization of Union Leagues the same as you know of the other organizations of which you have spoken?

Answer. Just about the same way.

Question. Are you not aware, therefore, by the same character of testimony, that they do exist?

Answer. Oh, they do exist; I have heard men say they belonged to it.

Question. Do you understand these Union Leagues to be secret societies?

Answer. Well, I do not know but what they are secret societies.

Question. Is that their reputation? Is that your information in regard to them?

Answer. Yes, sir; I think, from my information about it, I would regard it as a secret society.

Question. Are they or not political societies?

Answer. I think the League, from my information of it, was got up for political purposes—at least to carry on and conduct political affairs.

Question. In whose behalf?

Answer. In behalf of the republican party.

Question. Did or did not these Union Leagues precede in their existence the leagues on the other side?

Answer. Yes, sir; I heard of the Union League before I did of the Ku-Klux.

Question. Do you know whether the negroes of your county, as a class, belong to the Union Leagues?

Answer. I think that they did generally belong to the Union Leagues, from what knowledge I have of it.

Question. Have you not heard—have you not the same character of evidence as you have in respect to the Ku-Klux, that their association is oath-bound?

Answer. No, sir; I have not that knowledge.

Question. You have no information to that effect?

Answer. I do not think I have the information that they take an oath at all.

Question. You are not a member yourself?

Answer. No, sir.

Question. You are still a magistrate?

Answer. Yes, sir.

Question. When were you elected?

Answer. It will be two years next summer.

Question. What is your term of office?

Answer. Two years; expires in 1871.

Question. How long prior to your election did you hold the same office?

Answer. I was made magistrate, first, about the commencement of the war.

Question. And you have held the same office pretty much from that time?

Answer. All the time.

Question. Elected by the people?

Answer. At first I was elected by the legislature, according to the old constitution, before the war. Then, during the war I was elected or appointed by the legislature. Then, after the adoption of the late constitution, since the war, I was elected by the people. I was only elected once by the people.

Question. You were appointed before?

Answer. Yes, sir.

Question. You have spoken of the special election in December, 1870, and of the voting being restricted to the district where the party resided. Was that rule equally applied to all the voters? Was it a general rule of holding the election?

Answer. I think it was.

Question. You have spoken of grand juries of the superior court; who are the judges of that court?

Answer. Judge Tourgee is the only judge in that district.

Question. By what political party was he elected?

Answer. By the republican party.

Question. How are the grand jurors selected?

Answer. The grand jury is drawn in the same way as the petit jury. In the first place, the box is filled with names by the county commissioners. There are five of them, whose duty it is to revise annually the jury list. They take them from the list of tax-payers and select men they think competent as jurors. The names are put in a box, and at a certain time preceding the court the sheriff takes a little boy eight or ten years old and he draws out the names, one at a time, till they get enough for the grand and petit juries. These names are all brought to the court, and in the presence of the judge a boy is chosen who cannot read, and he draws out the names for the grand jury, and the balance are the petit jurors.

Question. The sheriff of the county, then, does not select the jury?

Answer. No, sir; he has this advantage, however, the jury is always a limited number, and the counsel on either side has the right to challenge so many, and cause them to stand aside. The sheriff is called upon to select a talemán, and he turns around to the crowd that is present, and then he has his choice of a man within his own grip.

Question. You are a merchant as well as a justice of the peace?

Answer. Yes, sir; and a farmer, too, to a little extent. I was raised a farmer.

Question. You have a farm?

Answer. Yes, sir.

Question. A store, also, and this office?

Answer. Yes, sir.

Question. Are you occupied constantly at your place of business and on your land?

Answer. Yes, sir; I am engaged at my business almost all the while I am not ways at home.

Question. Does your testimony in this case confine itself to the county in which you reside?

Answer. Principally, except what I have related about Orange County.

Question. Was that derived from information?

Answer. From information of persons whom I regard as reliable.

Question. Your testimony, then, has reference to the county in which you live and Orange County?

Answer. Yes, sir.

Question. Have you attended the elections generally held in your county?

Answer. Yes, sir.

Question. Have you seen negroes voting there?

Answer. Yes, sir.

Question. State what you know in regard to intimidation by negroes of others of their own race, who may have wished to vote against the general sentiment of the black people.

Answer. By negroes against themselves? I do not think I have ever seen anything of that kind.

Question. Have you known or been informed of any thing of that kind?

Answer. I do not think I have ever been informed. I have been informed right to the contrary, that the opposite party have held the negroes back, and kept them hid.

Question. I am not speaking of the opposition, but of the action of negroes upon each other.

Answer. No; I have never known anything of that kind.

Question. Nor heard?

Answer. I do not think I have ever heard anything of that sort. You mean to say that the negroes on the republican side are so overbearing against negroes who are disposed to support the conservative ticket, as to intimidate them from voting?

Question. Yes, sir.

Answer. No, sir; I know nothing about such a state of affairs.

By Mr. RICE:

Question. Have you ever heard of the Union Leagues committing acts of violence?

Answer. No, sir.

Question. Or any such charge against them?

Answer. No such charges. Well, I have seen newspaper accounts.

Question. I mean in your county?

Answer. In the county that I live in there have never been any such charges against them. I may say this: that I know men who have told me they belonged to the League, and they said that they have invariably in the League encouraged law and order.

Question. There is no secret among the members as to the fact that they belong to the League?

Answer. None in the world that I have heard of.

Question. What is the general character of the negro since the war, as to being peaceable or violent?

Answer. I think there is something remarkable in the character of the colored man in my county for being peaceable under the circumstances. I think it is remarkable under the circumstances that they retain their peace and order like they do.

By the CHAIRMAN:

Question. What proportion of persons in your county whom you believe to be members of the Ku-Klux organization were confederate soldiers?

Answer. Well, the larger number of them were confederate soldiers, and there is something a little strange about that; there are men who belong to that order now, that during the war were hunted up in the woods as deserters from the confederate army, and were actually punished as deserters.

W. G. TURRENTINE, sworn and examined.

WASHINGTON, D. C., January 31, 1871.

By the CHAIRMAN:

Question. Where do you reside, and what is your occupation?

Answer. I live in Hillsboro, Orange County, North Carolina, and I am a constable.

Question. How long have you lived there?

Answer. I was born and raised in the place.

Question. Go on and state to the committee as connectedly and as briefly as you can, your knowledge of an organization in that county known as the Ku-Klux; what influence, if any, it has exercised on political affairs there, and what are your means of information on the subject.

Answer. Five murders have been committed in the county; they were all of colored men. A great many persons have been whipped; I have no idea how many. This or-

ganization has deterred the colored people from going to the polls; at all events, they have told me that was the cause of their not coming out to vote. I think these parties in the county have told me they were whipped on account of voting the republican ticket. They told me that this organization told them that they whipped them for that, and that if they voted that ticket again they would whip them again. They forced the jailer to open the jail door, when they took out two prisoners, and shot one of them so that he died of his wounds; the other they did not shoot.

By Mr. BAYARD :

Question. Give the dates of these occurrences as you relate them.

Answer. The men who were taken out of the jail were taken out, I think, last August, twelve months ago.

Question. In 1869?

Answer. Yes, sir; that was the first outrage committed. Two were hanged in the lower part of the county a short time after that; about two weeks after, I suppose. I have forgotten the dates of the other two murders.

By the CHAIRMAN :

Question. We want you to state your own knowledge of these things as briefly and connectedly as you can give it.

Answer. All that I know is, that these murders were committed, and were committed by disguised men. Where they were from I cannot tell. I believe it was generally understood in the county that these men were to be taken out of the jail and killed. I heard of it twelve miles below the town and reported it to the jailer. I told him that I had heard that they were to be taken out and murdered, and that he ought to be on the lookout. But they found no difficulty in finding the jailer's house and getting the men out. It was done on a Saturday night, or Sunday morning about 1 o'clock, and 9 o'clock Sunday morning the sheriff took a posse and went into the country.

By Mr. WILSON :

Question. Were any arrests made for that?

Answer. No, sir.

By the CHAIRMAN :

Question. You say that you reported to the jailer that this was to be done?

Answer. Yes, sir.

Question. How long before the occurrence did you make that report to him?

Answer. I think it was some two weeks or more. I had heard it from various quarters.

Question. Did you request him to make any preparations against the attack?

Answer. I told him that he ought to take care of his keys; that I heard they were coming there to force the jail and take the prisoners out and hang them.

Question. Were any preparations made for defense?

Answer. No, sir. The jailer said he was capable of taking care of the keys; that they would not get them.

Question. For what offense were these men imprisoned?

Answer. They were charged with barn-burning. But the one who was not killed was afterward acquitted in open court.

Question. Were they white men or colored men?

Answer. They were colored men.

Question. Where was the one taken to who was shot?

Answer. Just outside of the town, half a mile from the jail, I suppose.

Question. What is the population of the town?

Answer. I do not know what the population is now, it was about 1,200.

Question. Was this done in the day-time or in the night-time?

Answer. I think it was about 1 o'clock at night that they came in. The sheriff was at the jail. He went down to carry a light to the jail. They took his son, who was the jailer; just knocked at his door and told him they wanted him. They gathered him up in his night-clothes, just as he had got out of bed and come to the door, and took him down to the jail and made him open the door. When he went up stairs to the cage room he refused to open the door, and they then jerked the keys out of his hand, and opened the door themselves.

Question. Did the jailer live in a house separate from the prison?

Answer. Yes, sir; he lived 250 or 300 yards from the jail.

Question. Where were the keys of the jail?

Answer. He kept them in his house.

Question. How did they get them?

Answer. When they knocked at his door they made him get them. There were between 75 and 100 of them. One man, who counted them, said he counted 77 of them as they were passing out of town, after they had got the prisoners. One of them stepped up to him with a pistol and leveled it at his head, and told him if he did not get away from there he would quit counting; and he ran off pretty badly frightened.

Question. Were these men disguised?

Answer. Yes, sir; all of them, he said.

Question. Did you see them yourself?

Answer. No, sir.

Question. Give us the names of the jailer, the sheriff, and this person who you say witnessed the occurrence.

Answer. John A. Owen was the man who did the counting; John Turner was the sheriff; he is now dead; Thomas E. Turner was the son of the sheriff, and the jailer.

Question. Is he at Hillsboro now?

Answer. He lives three miles from there; his post office is Hillsboro. I saw the prisoner after he was brought back.

Question. Were any efforts made to arrest the men who took these prisoners from the jail?

Answer. They went down into the lower part of the county, and spent from 9 o'clock until about 4 o'clock in the day riding about the country.

Question. Who did that?

Answer. The sheriff and a posse of men. They had no warrant against anybody. One of the prisoners, who was in the jail, said that he could swear to two or three of the men; but no warrants were issued against them.

Question. Do you know whether the sheriff or his son were members of that organization?

Answer. It was said that his son was; I do not think the sheriff himself was. His son afterward left there and went out west and staid some time, and it was reported that that was why he left; which was about the time they were making arrests in Alamance, an adjoining county.

Question. Did he remain there until the making of arrests commenced?

Answer. I think he was there about that time. I think he was in town.

Question. Have you any knowledge of any other occurrence of this character in your county?

Answer. There was a young man who was shot; he was not colored; he afterward recovered; his name was Murphy Reeves. I was in Alamance that night and saw the parties going down to his house; they passed by my house.

By Mr. WILSON:

Question. Were they disguised?

Answer. I could not tell whether they were disguised or not, it was in the night. There were two or three. I heard of them all along the road, until they passed down into the country. I went down into Orange County that night, to my father-in-law's. About that time it was popular to be a Ku-Klux in Orange, and in Alamance too.

By the CHAIRMAN:

Question. Have you stated all the occurrences of that kind in that county that you know of?

Answer. No, sir; there was a man named Squire Alston, a colored man; the Ku-Klux knocked at his door, but he would not open it; they broke the door open and went in and attempted to take him from his house. In the light his wife cut one of them in the face with an ax. He was a first cousin of mine, and lived in Alamance County.

Question. The man who was cut was a first cousin of yours?

Answer. Yes, sir; I believe the way they found out that he was cut, was this: a little boy was shot either in the hip or in the arm, and they sent for the doctor. When the doctor came he told them that this young man, Steele, had been cut the same night, and he had just come from there; I saw Steele while he was in bed. He was cut in the face, the whole length of the ax. He remained in Alamance until he got able to travel, and then he went west, I do not know where.

Question. What was his name?

Answer. Joseph Steele, jr.

Question. Do you know where he is now?

Answer. No, sir; he was in Texas the last I heard of him.

Question. Did you see him after he was cut?

Answer. Yes, sir; while he was in bed.

Question. Did you have any conversation with him after he received that injury?

Answer. No, sir; he was very bad off when I saw him; I merely spoke to him; he could talk but little.

Question. Do you know whether he was a member of that organization?

Answer. I think he was; I do not know; they never let me into it.

By Mr. BAYARD:

Question. What was the date of that occurrence?

Answer. It was a few nights before Reeves was shot; it was in 1869; I have forgotten what time of the year it was.

By the CHAIRMAN :

Question. Do you know of any other instances of this kind ?

Answer. Four parties have been whipped in Orange County since the first of January, by disguised men.

Question. Of the present January ?

Answer. Yes, sir. The roof of the house was torn off, the chimney knocked down, and the house set on fire.

By Mr. WILSON.

Question. Were all the parties in the same house ?

Answer. Yes, sir. The disguised men claimed to be "Red Birds." I believe they were dressed in red ; so the witness stated. A warrant was issued for one of the parties, and I arrested him and carried him before the magistrate. Upon the examination he produced evidence to prove that he was at home, too drunk to be there until after the whipping was done. The whipping was done between eight and nine o'clock at night. He proved that he was too intoxicated to be there, although he lived within two hundred or three hundred yards of the house, on the same plantation.

By the CHAIRMAN.

Question. Were you present at the examination ?

Answer. Yes, sir.

Question. Do you know whether the witnesses sworn in his behalf were members of this organization ?

Answer. No, sir, I do not. One was a woman, a sister-in-law of his. Another was Dr. William Studwick. He testified to his being very drunk at about dark, and riding down so drunk that he could hardly sit on his horse. The man was discharged. Parties in Orange and Alamance did not come out and denounce the Ku-Klux until about the time of the arrests made by the State militia, and then they seemed to think it was wrong. Very few men spoke against it before. It was not safe for a man to talk about it, without he lived in town. If he lived in the country it was dangerous for him to express his opinions. I have heard that they were seven hundred strong in Alamance County. I never knew how many there were in Orange County.

Question. You have given us now the instances of personal outrages. What do you know of their depredations upon private property ? Do you know of anything of that kind ?

Answer. They broke open Colonel Guthrie's mill. I do not know whether they damaged anything or not. I think they were hunting for him.

Question. You have no knowledge on that subject ?

Answer. No, sir.

Question. Was the approval or condemnation of this mode of proceeding shared in by both political parties, or did it divide political parties ? State what was the state of public sentiment on that subject.

Answer. The republican party was opposed to it, but they were very careful what they said. They would talk about it among themselves. Sometimes you would come across a man who would openly denounce it. I never hesitated to do it, neither did my father. But the other party always made excuses for them. They said that such a man should be hung, and they could not do it according to law ; that such a man ought to be whipped, that it was a good thing, and would help him.

Question. Give us the names, if you can, of the leading men of the two parties in Orange County, who have spoken on either side.

Answer. I have heard Colonel H. P. Guthrie, of Chapel Hill, and Mr. Solomon Pool, of the same place.

By Mr. BAYARD :

Question. Was that Mr. Pool a relative of the Senator Pool here ?

Answer. He is his brother. Other republicans also spoke against it. You could not get the prominent members of the democratic party to say much about it. I heard Mr. John W. Norwood denounce it ; he was a prominent democrat ; he said it would not do. I heard Mr. George Lawless, the judge of the probate court there, say that if he knew a man to be a Ku-Klux he would be tempted to tell on him, but he thought he would be afraid to do so. I believe that is about the worst I ever heard him say against it.

By the CHAIRMAN :

Question. Is that the extent of what you have heard those parties say ?

Answer. I was engaged with the people a great deal, and the most of my business was with the democratic party. It was a very rare thing that you heard one of them speak against the organization, except my father-in-law, who was a democrat. He was always opposed to it, and I think he did what he could in a quiet way to stop the thing. But as I tell you, if a man lived in the country he had to be very particular about what he said about them. If he talked about them they would whip him, sure.

Question. What were the causes assigned for the wrongs committed on those parties you have named?

Answer. Three of the parties were charged with barn-burning.

Question. You have stated that already; the men in the jail?

Answer. Only one of those who were killed was in the jail; he and his brother were charged with barn-burning. Two were hanged who were charged with the same thing, an uncle and the father of the boy who was taken from the jail and killed; Cyrus Gay was hung, up in the western part of the county; I heard various charges against him.

By Mr. BAYARD:

Question. What were those charges?

Answer. Being too intimate with white women, and insulting white women. But I was talking with the present sheriff of our county, a short time ago; he knew him well and did not live far from him. He said he was a good boy, and that there was no charge against him. The man, Wood, who was hung east of Hillsboro about fourteen miles, was charged with making some bad proposition of some kind to some white woman, I think.

By the CHAIRMAN:

Question. Have you held any other public position there than constable?

Answer. I am constable of the township, and constable of the town also.

Question. Does your business take you through the county to any considerable extent?

Answer. Yes, sir.

Question. Give us your candid opinion as to whether those outrages were committed for the purpose of redressing in that way the alleged wrongs those parties had committed, or whether they had any connection with their political sentiments?

Answer. I think part of them were on account of offenses supposed to have been committed by those parties; one of the parties that was killed I think must have been killed on account of his politics.

Question. Are there, to your knowledge, any other political secret organizations there?

Answer. Yes, sir; there is the Union League Association; I believe that is the name of it.

Question. Are you a member of that association?

Answer. No, sir; I am not a member of any secret political association, and never was.

Question. Have any of their operations been of the violent character of those you have spoken of?

Answer. I do not know that there has been any such operation on their part. They do not hesitate to tell that they are members of that society, and on public days they turn out with their regalia and their badges. If you asked a man he would tell you directly whether he was a member of the society or not. They seemed to be opposed to any outrage of that kind.

Question. What effect, if any, have these proceedings had upon your courts and juries?

Answer. Of the Ku-Klux organization?

Question. I mean of these organizations, without regard to what their names are.

Answer. Men who are charged with these crimes have been arrested, brought up, and tried; but it has always been impossible to convict one of going masked and committing outrages in that way.

Question. Have any of them been convicted in Orange County?

Answer. No, sir; not one.

Question. How many have been tried?

Answer. John A. Thompson, of Alamance, was tried.

Question. In Orange County?

Answer. Yes, sir. He was charged with being one of the party who burned the house of Squire Alston and shot his son. He gave bail in the sum of \$1,000 for his appearance. He was first brought up before a magistrate and bound over to court. When he went before the grand jury, old man Alston swore that he knew Thompson by his voice; that he saw his face, and that he shot at him while upstairs. But the Alston woman swore that she knew Thompson well, as well as she did Mr. Webb, one of the grand jury, and that it was not Mr. Thompson. They did not find a bill against him.

Question. Can you state any other facts within your knowledge bearing upon the security of person and property within your county?

Answer. I do not know that I can.

By Mr. BAYARD:

Question. Will you give us the dates of the occurrences you have spoken of?

Answer. I think it was in August, 1869, that the men were taken from the jail and one of them shot. I think that was the first outrage committed in the county.

46 **CONDITION OF AFFAIRS IN THE SOUTHERN STATES.**

Question. You made use of the expression that "it was popular to be a Ku-Klux."

Answer. Yes, sir.

Question. How is it now?

Answer. Well, they seem to think it will not do now; they come out and speak against it now.

Question. Is the course of action you have been describing given up now?

Answer. We have not had any of those occurrences but one in Orange County, just about the time the troops went there.

Question. That was in 1870?

Answer. It was in July of last year; I think they whipped one man then. I have heard nothing more of their whipping there till since the 1st of January, this year.

Question. Were the cases you speak of as having occurred since the 1st of January, this year, the cases of four men?

Answer. There were two women and two boys of about twenty years old.

Question. Where did that occur?

Answer. About three miles from town.

Question. Did you learn that from hearsay, or from your own observation?

Answer. I saw the house where it was torn to pieces. I went down there to arrest some of the parties.

Question. What was the alleged cause for that?

Answer. I do not know that they gave any cause for whipping them; but it seemed to be the impression that it was on account of keeping a low house.

Question. That was the character of the house?

Answer. Yes, sir.

Question. You have spoken of barn-burning. Was there a great deal of that done in the county about the time you have spoken of?

Answer. Two barns were burned in our county. The two boys who were taken from the jail were arrested and bound over by a magistrate, and as they could not give security they were imprisoned upon that charge. One of them was shot by the Ku-Klux, and the other was acquitted in court.

Question. Were those the only cases of barn-burning you knew of in that county?

Answer. Those were the only two barns burned in our county.

Question. They were burned by incendiaries?

Answer. Yes, sir.

Question. You say that you are a constable both of the town and township?

Answer. Yes, sir.

Question. Have you been in the habit of executing process throughout the county?

Answer. Yes, sir.

Question. In executing process, have you met any resistance?

Answer. Very little. We always come across some men who do not want to be arrested, and we call in one or two men and go and arrest them. I arrest most of the parties by myself.

Question. You are not a very large or powerful man?

Answer. No, sir.

Question. How are you selected for your office?

Answer. Chosen by the people.

Question. How long have you been in your office of constable?

Answer. In August, 1869, I was elected.

Question. Are you now serving your first term?

Answer. Yes, sir.

Question. For how long were you elected?

Answer. For two years.

Question. You are a member of the republican party?

Answer. Yes, sir.

Question. Were other officers elected at that time upon the same ticket with yourself?

Answer. The magistrates of our township were elected on our ticket; all but one of them, who did not get a majority of the votes polled; so there was a democrat in his place. There are but few republican officers in our county. I guess I am the only republican constable in the county now. I do not know of another.

Question. In your travels through that county, are you molested personally; or do you find that your person and your office are respected?

Answer. Sometimes they give me a little cursing for being a radical, or something of that kind.

Question. I am speaking of your being molested personally.

Answer. I have never been uneasy about myself. I always thought I could see a Ku-Klux as far as he could see me.

Question. You never felt any particular apprehension personally?

Answer. I would not like to stay in Alamance over night by myself.

Question. Alamance is not your county?

Answer. No, sir; but I have a plantation up there, and I go up there about once in two weeks. There is no white person at the home place on the plantation.

Question. You spoke of a young man, a cousin of yours, who had been injured.

Answer. That was generally agreed upon.

Question. And you said he left there and went away to Texas?

Answer. Yes, sir.

Question. Why did he go?

Answer. I advised his father to let him go as soon as he got able to go, or I thought they would send him to the penitentiary.

Question. If he had remained?

Answer. Yes, sir.

Question. And he went away?

Answer. Yes, sir.

By the CHAIRMAN:

Question. You say the operations of this organization have pretty much ceased since the appearance of the militia in these counties?

Answer. Yes, sir; they have pretty well quit there.

Question. Do you attribute the cessation of these acts by that organization to the appearance of the militia there?

Answer. I think that had something to do with it. In our county there was but one man arrested by the militia; that was Joseph Turner, the editor of the Sentinel.

Question. Does he reside in your county?

Answer. Yes, sir; he is the editor of the Raleigh Sentinel, but his family live in Hillsboro.

Question. Do you give it as your belief that the organization has now disbanded?

Answer. All the idea about that I have is when they quit their depredations I imagine they have stopped to a great degree.

Question. I only ask what is your belief. Do you give it as your belief that the organization has disbanded, or does it still exist, and can it be called together again?

Answer. I should think they could call it together if they deemed it necessary; I do not know that they are still organized.

Question. As your courts and juries in Orange County are organized, do you believe that redress can be obtained against the members of that organization—redress in the courts?

Answer. I think it would be hard to convict a man in our county; it would be hard, I think, for them to find a true bill against any of the organization.

By Mr. BAYARD:

Question. When did you come to Washington?

Answer. Last Friday night.

Question. How were you summoned here?

Answer. By telegram.

Question. From whom?

Answer. John R. French, Sergeant-at-arms of the Senate.

WASHINGTON, D. C., January 31, 1871.

SAMUEL ALLEN (colored) sworn and examined.

By the CHAIRMAN.

Question. Where do you live?

Answer. In Raleigh, North Carolina, at this time.

Question. How long have you lived there?

Answer. Since about the 10th of May, last.

Question. How long have you lived in the State?

Answer. I was born and raised in the State.

Question. Have you held any political position there?

Answer. I did in Caswell County.

Question. What was it?

Answer. Magistrate.

Question. What is your trade?

Answer. Shoemaker.

Question. Please state whether your house was visited by men in disguise at any time; if so, when, and what did they do?

Answer. It was on the 8th of May, last; I was first attacked by a band of disguised men.

Question. Where were you living then?

Answer. In Caswell County.

Question. Was it at night or in the day-time?

Answer. It was in the night, between twelve and one o'clock. I had sat up, reading, late that night, and had laid down, but had not got to sleep; the clock had just struck twelve; my dog barked, and at the same time received a flick and gave a yelp; then

came a rap, rap, rap against the door with a stick, and a voice, "Open this door," in a fine voice; I pretended as though I was asleep, and says I, "Hoy! what's the matter?" though I had heard the noise about the neighborhood and had been looking for it for some time; there were about seventeen of them, as high as I could guess; they continued to say, "Open the door," and finally they began to say, "We ain't going to hurt you; just want to talk with you." I would have opened the door sooner than I did, but every time I would rise to do it my wife would stop me; finally they went to my garden fence and there got a pole about twenty feet long, and one of them got a bedstead that was lying against the fence, and another a big flint, and they all went to pounding against the door; besides, it appeared like four gun-shots or pistol-shots; after a while they seemed to get tired, and stopped; I had fortified the door pretty well; they kept saying, "Open the door; we are not going to hurt you; we only want to talk with you." I proceeded then to open the door, and when I did so the first word was, "Why didn't you open that door when we told you?" Says I, "My wife did not wish me to open it;" then they said, "Come out here." Says I, "You wanted me to open the door, and you said you only wanted to talk with me; now, I am here to hear anything you have to say; what do you want of me?" They said, "Come out here;" my wife said, "What do you want with him; what business have you got with him?" One of them said, "The least you have to say the better for you;" another said, "Shoot her," and pointed a pistol at her; another says, "Oh, no;" another says, "Shoot him," presenting a pistol at me; I stood firm; they kept saying, "Come out," and I said, "I shall not do it;" then I turned right around and made for a sabbler that I had between the two beds; I wanted to do all I could if I was killed, as I expected nothing more; as I ran back for the sabbler I heard a rush at the door; I had not pretended to shut the door; when I turned around there was one of them standing inside the door; my wife had shut the door as I went back, and this man had pushed it open against her shoulder; he was standing holding it open; I came back with the sabbler, and when I got near him I eased this hand down, and plunged it at him with all my might; he went right sideways out the door and into the yard and started right off down in the direction where the horses were tied, about a hundred yards off, at the patch of woods; he was followed by some three or four more; the others said, "Let us set fire to the house;" they went around to the kitchen, which was a weather-boarded part, connected with the log house, and then raked up straw and stuff, struck a match and it began to blaze; now, thinks I, if I can get away maybe they won't burn the house, but if I stay here they will, so as to get me out; so I goes to the back door and saw no one on that side, and I pitched right out; as I turned the corner of the garden some of them saw me and fired at me, and they ran in that direction about one hundred and fifty yards, and then turned around and came back; I escaped to the woods; that was the last of it that night, only my wife said one of them took a pistol and struck her in the side, and said to her, "Why did you let him go away?"

Question. Did you go back to your home?

Answer. No, sir. The next morning I went to the court-house to see Mr. Stevens. I had heard that Congress was trying to do something about the Ku-Klux, and, as he had been a member of the legislature, I thought he might know about it. But he was at the convention at Raleigh. Then I went back home; but that night, with some three or four others, I laid out. This happened on Monday night. Wednesday night I stayed at home, and on Thursday I went to Graham, and on Friday to Greensboro, and there I found Mr. Stevens, and went with him to Yanceyville, where he lived. On Saturday morning, near sunrise, I started for home, and reached home about dusk. There a most horrible scene struck me. Before I got home, the neighbors (colored people) were so alarmed they could not talk to me. They said: "Don't go home." They could hardly tell what was the matter, but they said: "Robin Jacobs is dead." I wanted to get home before dark, for fear my family would be gone. So I did not take time to inquire, but pushed right on the harder. As I reached my home, my wife stood in the door. "Everything is ruined. Says she, "Oh! you never saw such a time as there was here last night." I beheld the sight. They had been to my house the second time, (a company that E. B. Holden, the governor's half-brother, said was not less than three hundred men,) and had broke up my chests and boxes, and torn up my beds, and smashed everything about the house. A widow woman, (Mrs. Owens,) who lived close by, told my wife to tell me to go to Yanceyville and tell Mr. Stevens that the Ku-Klux were going to kill him as soon as he came from the convention; but to be sure and tell no one that she said it, because they would kill her. I went back on Sunday to Yanceyville. She also said that they were sworn to take my life; and I saw that my life was not safe. There was nothing more done to me then, only a man that was known as a Ku-Klux attempted to head me on Sunday, between my home and Yanceyville. I saw him standing and watching me. I turned to take a path that I usually took, that cuts off about a mile, and I saw him strike out to come in just above me, so I left the path, and came in below and avoided him.

Question. Have you ever returned to your home there?

Answer. No, sir.

Question. For what reason?

Answer. Because my life was not safe anywhere in that county or the county of Orange. I would not risk it there.

Question. Were these men disguised?

Answer. Yes, sir.

Question. How?

Answer. They had on robes, long white gowns, from head to foot.

Question. On horseback or on foot?

Answer. Most of them, I think, wore on horses. The dress fitted right over the head, with eye-holes, with red flannel bound around.

Question. Could you tell who any of them were?

Answer. Oh, no.

Question. Where did you strike the man with the saber?

Answer. Right in the side.

Question. Did you know who he was?

Answer. I do now.

Question. What is his name?

Answer. Robert Burton; Bob Burton, they call him.

Question. Where is he?

Answer. I do not know whether he has returned from Virginia or not. When Colonel Kirk came up there, they sent him off to Virginia—to Danville. He had some relations there—his father or mother. While Kirk was there he was up about Yanceyville.

Question. What cause, if any, was given for this visit to you and for the conduct toward you?

Answer. Well, I had been for a long time called a "very mean nigger," "a mean son of a bitch," "a damned rascal."

Question. By whom?

Answer. By the whole of the people pretty much of that county—that is, the white population—without an exception, scarcely, unless it was Mr. Stevens, or some who professed to be republicans, which was very rare. All the rest called me "a damned rascal," worthy of death, and said they would be damned if they would not kill me.

Question. Did anybody say that to you?

Answer. No, sir.

Question. What cause did they give you that night for attacking you?

Answer. No cause whatever; they never said anything about what they intended—not a word.

Question. Had you committed any wrong to any of the people?

Answer. They said I had committed a great wrong; I had kept a Sunday-school which I was forbidden to do. They told me that this thing of teaching niggers and educating niggers was so nothing they did not allow; that the church they belonged to never sanctioned any such thing; that it was not sanctioned by the neighborhood or the country and it must not be done, and finally they told me it should not be done, and when I proceeded on with the Sunday-school, they said to me, "We gave you orders to stop, and you have continued against our orders; now you have got to stop."

Question. Who told you that?

Answer. John Henry Fuller; he was the leading man of them.

Question. What is his occupation?

Answer. He is a farmer.

Question. Where does he live?

Answer. About eight miles from Leesburg, on the road from Hillsboro to Leesburg.

By Mr. BAYARD.

Question. Did any one else tell you so?

Answer. No, sir; there were others with him when he came to me the second time, but he did all the talking.

By the CHAIRMAN:

Question. Was any other cause given for this course toward you than the Sunday-school?

Answer. No, sir; not at that time. Then I went to Graham to see Mr. Woolf, of the Freedmen's Bureau. I saw him twice. He told me to go to the magistrate of the neighborhood, and gave me a written note to him to show my protection. He told me how to proceed, and that if I was interfered with any more, to have the parties arrested. So then they quit me when they found I had done that, and turned on the scholars; threatened to shoot them. That cost me another trip to Graham to see if I had not a right to protect the scholars. I was told I had, and was directed to go to a magistrate and make these things known. The agent gave me a written order to David Birch, magistrate. It was worse than Mr. Fuller, but I told him if he did not talk to Fuller I would frustrate him; that I had him in my power, but I did not want to use my power and injure him for what he did.

By Mr. BAYARD:

Question. What did you refer to?

Answer. That he had laid himself liable to be indicted by me for what he had already done to my scholars.

By the CHAIRMAN:

Question. Was your political conduct alleged as any cause for their treatment of you?

Answer. Yes, sir; and here is another thing—

Question. State briefly what was said to you.

Answer. There never was but very little said to my face.

Question. Whatever it was, tell it.

Answer. Well, sir, as to political things, there were very few men said anything; but they would say to me, "Don't you know these negroes have no right to vote, and don't know enough how to vote? Now, you don't believe that is right. They vote for Will Skerry, and this, that, and the other man, and then they think he ought to come and give them a mule or something else. Such people ain't fit to exercise the franchise." I would say, "They can be instructed."

Question. We do not want the argument; did any one intimidate you, or speak of this wrong as being inflicted because of your political sentiments?

Answer. No, sir; no man ever told me to lay face that he would assassinate me for my political principles; no such thing as that; neither was it said to John Stevens.

Question. Then what reason have you for saying that this treatment was because of your political opinions or actions?

Answer. Just because of the action of the people; their conduct with me—not talking, but acting.

By Mr. BAYARD:

Question. What did they do?

Answer. They would scoff and scorn; refuse to give me their work; take it away from my shop; would not let me have anything.

Question. Would not let you work for them?

Answer. No, sir; would say to the people—not to me; no man ever said it to me, but it was a well known fact that I was not to have a house in that country. And there would not have been a house if the colored people had not united and appropriated money, and bought six acres of ground for me to have my house on, on which we now have a school-house erected, twenty feet square.

Question. When did you come to Washington?

Answer. On Saturday morning last.

Question. Were you examined by any person previous to this examination?

Answer. No, sir.

Question. How were you elected to your office as a magistrate?

Answer. I was appointed by the governor.

Question. When?

Answer. In July, 1867.

Question. When does your term expire?

Answer. It expired in August, 1868, I think.

WASHINGTON, D. C., February 1, 1871.

SAMUEL ALLEN, (colored,) examination continued.

By the CHAIRMAN:

Question. What is the sense of security as to life and property among the colored people in the county where you live, Caswell County?

Answer. We do not feel secure at all. The night coming on has been to us there like judgment; there is no mistake about that. And the application has been made to me, as one of the most intelligent of them, as the only guide and light they have had there, "What shall we do? Where is the President? Where is the governor? Why don't they manage such things? Can't we have any protection? We have only dug our graves and made our coffins by the course we have pursued."

Question. What do they fear?

Answer. These midnight assassins; this Ku-Klux party, that rages through the night with their yells, great strings of them with white robes and on horses, cutting, slaying, butchering in different ways.

Question. What is your age?

Answer. Between thirty-five and forty.

Question. Have you been a slave?

Answer. No, sir; I was originally free. I have been sworn to tell the truth and the whole truth. I omitted to tell you yesterday of one circumstance. In 1868, when I was unluckily shot by my own revolver falling out of my pocket—I was shot under my left breast—I called on a physician who lived at the house of the Mr. Fuller

who tried to get the mob on me in 1867. The physician's name was Terrill. Dr. Terrill unfortunately loved whisky too well, and was very often intoxicated. He applied to the doctor to fix up some medicine that would carry me off, that is, end my days. He replied, "Mr. Fuller, I consider that an insult. I want you and every man to know that, let me be what I may, my practices are pure."

Question. Who applied for this medicine?

Answer. John Henry Fuller.

Question. Who is he?

Answer. He is a citizen of Caswell County, living on the road leading from Hillsboro to Milton. He is the man that bothered me so about teaching the Sunday-school, from the fact that I lived on his place.

Question. You have spoken of the feeling of the colored people as to the security of their lives and property; what is the feeling of the white people in the same county?

Answer. The feeling of the white people, according to their words, is this: "We do not intend to live under such laws as you have. This republican Government we do not intend to live under." We tell you so, and we mean it. We intend to kill the last leading damned radical there is; we have sworn to do it, and we intend to do it." Those are their words.

By Mr. BAYARD:

Question. Give us the names of persons who have used such language in your presence.

Answer. Dr. Oakley has used those words, and Mr. Zach. Allen has used words like those; and I have testimony, plenty of it, of others who have heard such words used frequently. Mrs. Owens, at the time she told my wife to tell me to tell Mr. Stephens that they were going to kill him, she said that was the language they used.

By the Chairman:

Question. Have you any personal knowledge of any conspiracy or preparations to kill Mr. Stephens?

Answer. No, sir; I have no personal knowledge; I never saw any of the preparations.

By Mr. BAYARD:

Question. Are you a member of the Union League?

Answer. I have been.

Question. Who belonged to the Union League in your county? did all the colored people generally belong to it?

Answer. Pretty much all of them, except a few scattered individuals.

Question. Were you the head of any of the societies of the Union League?

Answer. Yes, sir; I was the installing officer.

Question. You were the installing officer?

Answer. Yes, sir; formed leagues in different portions of the county.

Question. Did the members of the league take any oath?

Answer. Yes, sir.

Question. What was it?

Answer. They took an oath to be true to the Constitution of the United States and also to the constitution of the State of North Carolina, and to support and defend it.

Question. Do you remember the language of the oath?

Answer. That was pretty much the substance of it.

Question. Have you sworn many people into the Union League?

Answer. Yes, sir; right smart of them; but I always did it with a ritual before me; I read it off.

Question. You are unable to repeat the oath at this time?

Answer. Not all of it. There was also something about education, &c.; that they would educate themselves, be moral, sober, good citizens.

Question. Was there anything about politics in it?

Answer. Yes, sir; I think there was.

Question. State what it was.

Answer. Well, I will state it.

By the CHAIRMAN:

Question. Give us the whole of the oath as far as you can recollect it.

Answer. I will, only give me time, till I study a little. [After a pause.] I think in those obligations we were requested to vote for no man who was opposed to the constitution and government of North Carolina, and to give no support or aid to any party opposed to any such thing.

By Mr. BAYARD:

Question. Was there any reference in that oath to any political party?

Answer. Yes, sir; so far as that is concerned, that is a reference, that they would not

support any one who was opposed to the constitution, who would not support the constitution.

By Mr. WILSON:

Question. Was anything said in the oath about the democratic party or the republican party, as distinct political organizations?

Answer. No, sir; nothing said about the democratic party whatever.

By Mr. BAYARD:

Question. What was said about the republican party?

Answer. There was something or another said about that, but I really forgot the exact words.

Question. How often have you sworn people with that oath?

Answer. I have sworn many and many a man; it was all read off; besides that, I never tried to charge my mind with it.

Question. Was part of that oath to support the republican party?

Answer. I think it was; or at least it would lead to that.

Question. Where were the meetings of those leagues held?

Answer. One meeting was held in the school-house there which I established, within fifty yards of my house; another was held at Leesburg; there was one held at Roxbury.

Question. Did you hold them by night or by day?

Answer. Both night and day, just as it happened; of a night the people had a better chance to get out; we could not hold them on Sundays, and other times the people would not be called from their work to hold councils in the day-time; so generally the councils were held at night and open.

Question. Were your meetings public, or were they private and secret?

Answer. Public meetings.

Question. Could any one that wanted attend them?

Answer. Yes, sir.

Question. Whether a member or not?

Answer. No difference who; any man could attend them, white or black. We were glad to see a white man come in. People have tried to rebuke it, but the constitution of the society was such that we have read it openly upon the stump to put down some misrepresentations that had been made concerning the councils.

Question. Did you yourself ever address the people publicly from the stump?

Answer. Yes, sir; many a time.

By the CHAIRMAN:

Question. Can you furnish to the committee a printed form of the oath of which you have just spoken?

Answer. I think I can; I think I have it at my house.

Question. Have you it with you in this city?

Answer. No, sir; it is at my house in Raleigh.

Question. Did any part of the obligations of the Union League, or any of its explanations, rules, regulations, or lectures require you to keep secret the fact that you were members of it?

Answer. No, sir.

Question. Did you keep it secret?

Answer. No, sir; every man knew a leaguer, for he wore the mark of the league, and manifested himself to the world as such.

Question. What do you mean by wearing the mark of the league?

Answer. He wore a kind of badge to show he belonged to the league; everybody knew it; or if they did not, they could know by asking.

Question. Was there anything in your proceedings that required or led to violence, or the inflicting of injury on persons opposed to you?

Answer. By no means whatever. I assure you it was a thing calculated to do away with all of that. If anybody belonged to the league, and went according to the rules and regulations and requirements of the league, they were bound to be good citizens. That is precisely what it was for. If any man was a true member of the league he was bound to be a gentleman in principle.

WASHINGTON, D. C., February 1, 1871.

W. P. BYNUM sworn and examined.

By the CHAIRMAN:

Question. Where do you reside, and what is your occupation?

Answer. I reside in Lincolnton, Lincoln County, North Carolina. I am, by profession, a lawyer, and the solicitor of the ninth judicial district of North Carolina.

Question. What counties does that district embrace?

Answer. The counties of Polk, Rutherford, Cleveland, Lincoln, Gaston, Mecklenburg,

and Cabarras. I also practice in the county of Catawba, but that is not in my judicial district.

Question. Will you go on and state what is your belief, from your opportunities of observation, in regard to the condition of society in that district—what is the security for person and property there?

Answer. Generally, I think that life, property, and liberty are secure in those counties. There are exceptions to that general rule, however, and rather numerous exceptions.

Question. Will you state what is the character of those exceptions, and to what extent they exist?

Answer. The exceptions are that in several of those counties, for instance, in the counties of Rutherford, Cleveland, Gaston, and Lincoln, numerous outrages have been committed upon colored persons, and frequently upon whites. Those outrages are committed generally by organized disguised bands of lawless men. In many instances they visit houses, enter them by force, and scourge the occupants. In some instances persons are shot, or intimidated by threats. I believe that is about as correct an answer to that question as I can give.

Question. Has the knowledge of these outrages come to you in your professional capacity?

Answer. In my official capacity as solicitor, in many instances, from the complaints of the persons who were outraged, those persons often bearing upon their bodies the marks of the outrages they complained of.

Question. Give the dates when these outrages were alleged to have been committed, if you can; fix the dates between which they were committed, if you cannot give the exact dates.

Answer. So far as I can recollect now, I believe they have been committed ever since the reconstruction acts were passed, and I think they grow mainly out of those acts.

Question. Out of opposition to them?

Answer. Yes, sir; opposition to those acts.

Question. According to the statements made to you, were the persons committing those acts in disguise?

Answer. Yes, sir; they were always represented as being in disguise, and generally always in large numbers, from five to fifty. They were frequently upon horseback, and were represented to have come from considerable distances into particular neighborhoods.

Question. Were their operations carried on in the day or in the night?

Answer. Always in the night.

Question. To what extent have the persons charged with committing these outrages been arrested and punished?

Answer. I have sent bills before grand juries in several counties upon evidence that I regarded as sufficient to find bills upon, and evidence that was uncontradicted before the grand juries, but, in most instances, the grand juries have ignored the bills. I think I have succeeded in getting one or two bills from a grand jury. In one instance, where I did obtain a bill against some seven or eight persons for entering a house and terrifying some women, whose husbands were absent, and committing some violence upon them, before the case came on for trial the prosecutors were compelled to leave the country, as they themselves alleged to me.

Question. How compelled to leave?

Answer. By threats of violence and intimidations. They moved into Tennessee.

Question. Did you succeed in bringing any of those cases to trial?

Answer. I have never yet succeeded in bringing a single case to trial.

Question. In how many cases have applications been made to you?

Answer. A great many more applications have been made to me than I have prepared bills for. In some instances the parties have come to me, many of them wounded, beaten, and bruised, and have agreed to come back and appear before the grand jury, but, when court came, they did not return. In some instances they have come to me and begged not to be sent before the grand jury, because they were afraid to tell what they knew; afraid to name the persons who they were satisfied committed the outrages.

Question. Of what were they afraid; of violence?

Answer. Of violence; yes, sir.

Question. To what influences do you attribute your inability to have bills found by the grand juries, in cases where you thought the evidence sufficient to sustain them?

Answer. That would be a mere matter of opinion.

Question. I ask it as such.

Answer. I am inclined to think that it arose from the prejudice which exists against that class of people; I do not say from perjury or what; but I think the public sentiment is such that they do not feel justified in finding bills; that is, they feel themselves excused from doing so on account of the state of the public feeling.

Question. Have you any reason to believe in the existence of any organization which interferes with the administration of justice?

Answer. I think that all these outrages are committed by secret organized parties; I think so from the numbers which, so far as I am informed, are always present when these outrages are committed, and from the systematic plans of operations, and from their secrecy; and I also have reason to believe that they are organized clans, from information I have derived from persons who have stated to me that they have been applied to to join them. Respectable gentlemen of the democratic party have told me that they have been applied to to become members of a secret organization of that kind, and that they had declined to do so. That is the best evidence I have of it.

Question. You state that with reference to the commission of offenses. Have you any reason to believe that those operations extend to an interference with the administration of justice against the offenders?

Answer. I do not know that I understand your question entirely.

Question. You have stated that these wrongs have been committed by organized bands. Have you further reason to believe that the organization goes to the extent of interfering with the administration of justice when members of that organization are indicted?

Answer. I hardly know what answer to give to that question; I do not know what motives influenced the grand juries in not finding bills.

Question. Have you any reason to believe that any members of that organization were upon the grand juries; and, if so, do you believe their connection with the organization would influence, or did influence, their course of conduct?

Answer. I have no direct evidence that any members of the grand juries belonged to the organization; that I cannot say; and therefore I cannot say whether, if any of the members of the organization were upon a grand jury, it would interfere with the administration of justice or not; I know nothing about the rules which govern the organization.

Question. In cases of similar wrongs committed by persons not connected with this organization, would there be any difficulty in procuring justice in your courts?

Answer. If the same wrongs were committed by others than those who belonged to the organization, I think there would be the same difficulty in the administration of justice.

Question. You think there would be?

Answer. I think so; I do not think it is so much owing to the fact that these outrages are committed by secret organizations of that kind as from the nature of the outrages themselves.

Question. Give us, as briefly as you can, your real opinion of what is the cause of the failure to administer justice. Let us know whether there is in your district a failure to administer justice; and, if so, what is the cause?

Answer. I think there is a failure to administer justice in these cases. And I think it arises out of the opposition to the civil and political equality of the two races.

Question. Have these wrongs of which you speak been committed upon colored persons only, or have they also been committed upon white persons?

Answer. Upon both classes; generally upon colored persons, but also frequently upon white persons. And I can say further in that connection, that many of these outrages are committed upon persons who, at least, are reported to be, and no doubt often are, violators of the law, and deserving of punishment, but not, of course, in that way. For instance, in many cases parties in a neighborhood have the reputation of living in adultery; those parties are punished in this way. A negro, and sometimes a white man in a neighborhood has the reputation of having committed a felony, of stealing, or of some other immoral conduct, and those persons are very often punished in a very summary manner, by being flogged and driven from the country. Such things occur occasionally, and those punishments are generally inflicted by these same organized bands. I think that these bands originated for political purposes, but that they have degenerated into this miscellaneous mode of dealing sometimes with offenders against the laws, and sometimes with persons against whom they have grudges. I think this organization is used for purposes of that sort. Men fall out with other parties, and desire to do them some mischief, and adopt that mode of doing it, in order to escape detection.

Question. Do the political parties divide in their sentiments in regard to the outrages committed by this organization, or do those of the same political party differ with each other in regard to them? Give us the true state of feeling on that subject.

Answer. I think the republican party as a party are universally opposed to these clans; they are regarded by them as confined to the democratic party, or the conservative party, as it is called there. The conservative party are divided on the subject. I think the respectable portion of that party discountenance these outrages. I think none of them openly give them countenance. But I think these organizations are generally confined to the most worthless class of society. The difficulty with me has been that I apprehend they are tacitly countenanced by the conservative party, who are willing to derive the benefits that may result from their operations.

Question. You say the leading members of the democratic party discountenance proceedings of this kind. Do they advocate or assist in bringing the offenders to justice?

Answer. I think they advocate it; but as to their assisting, I am not prepared to say whether they assist or not.

Question. Taking your whole judicial district together, tell us whether you believe the ordinary administration of justice is secure; that is, whether life and property are secure in the ordinary administration of justice, where political causes are not involved?

Answer. Entirely so, I think.

Question. Are we to understand you, then, as saying that the failure to administer justice exists only in cases where political feeling is involved?

Answer. Not precisely that.

Question. What are we, then, to understand you as saying?

Answer. My answer would be, in all cases involving these outrages, whether committed by political parties or not.

Question. Then do we understand you to say that where those outrages are committed, they are regarded in the courts the same as if they had been committed for political purposes, owing to the view taken of these organizations?

Answer. That would be about the answer I would give.

Question. Who is the judge in your district?

Answer. George W. Logan.

Question. Where does he reside?

Answer. In Rutherfordton, North Carolina.

Question. How long have you resided in North Carolina?

Answer. All my life; I am a native of the State.

Question. If there is anything else which you can state, which will throw light upon the investigation with which we are charged, that is whether life, person, and property are secure in your State, you will please state it to us.

Answer. I think life, property, and everything else is just as secure there as in any State of the Union, except in the cases to which I have referred.

Question. Have you had any case under your charge in which was involved the question of the existence of this secret organization or of any secret organization?

Answer. No, sir; I have had no case of the sort.

By Mr. BAYARD:

Question. How long have you been practicing law?

Answer. About twenty-five years.

Question. Always in the district of country of which you have been speaking?

Answer. Yes, sir.

Question. In that way you have become thoroughly familiar with the people there?

Answer. Yes, sir; I should say I was familiar with the people.

Question. What is your term of office as solicitor?

Answer. Four years.

Question. How are you placed in office?

Answer. I was first elected in 1863 by the legislature of North Carolina. Under the new constitution, I was elected by the people, receiving the votes of both conservatives and republicans.

Question. What are your official duties?

Answer. To prosecute in courts of justice offenses of every grade committed against the laws of North Carolina.

Question. In that way you have officially full cognizance of all crimes against persons and property in that district?

Answer. Yes, sir; through the action of grand juries. I prepare bills and send them to the grand jury; and also when presentments are made.

Question. Do you remember the case of a negro preacher, named Paisley, who was indicted and convicted of such crimes as you have spoken of, of violent acts committed by him against the persons of colored people, of what they called Ku-Kluxing negroes?

Answer. That was not in my district.

Question. Have you any knowledge of such a case outside of your district?

Answer. I think I have heard of some case of that sort; and I will add, in connection with that, that I have no doubt that negroes sometimes assume these same disguises for the purpose of committing outrages. I am inclined to think that this disguise is often assumed for any bad purpose, though I have no positive knowledge of the fact.

Question. Have you equal knowledge of such cases as you have of the other cases of which you have spoken?

Answer. No, sir; I have not the same knowledge of this disguise being assumed by black persons as I have of its being assumed by white persons.

Question. Do you mean not the same knowledge in an equal number of cases, or not the same character of knowledge in regard to any case?

Answer. I have no knowledge of a single case where colored persons have assumed that disguise.

Question. Upon what, then, did you base your statement that you believed colored persons assumed this disguise for their purposes? Have you had information of that fact from others?

Answer. I think about the only information I have is in regard to that case which you mentioned, or some others of a similar character; that is, some newspaper report that I have seen.

Question. The question was asked you in regard to the action of members of the conservative or democratic party in relation to the character of offenses which you have described, such as whipping, &c. Are there any prosecuting officers in your State who are members of the conservative party?

Answer. Yes, sir.

Question. Do you know whether there has been any failure on their part to do their duty in respect to this matter, so as to distinguish them from gentlemen of the other party?

Answer. I cannot say that I have any information to that effect.

Question. Have they been ordinarily as prompt in the discharge of their duty as gentlemen of the other party?

Answer. I have no information one way or the other upon that subject. I do not know what their official conduct has been.

Question. Do you object to stating with which political party you have acted since the war?

Answer. Not at all. I consider myself as belonging to no party. I voted for General Grant for President, upon the reconstruction measures, and I have sustained his administration upon those measures as a matter of duty and necessity. But I do not yield my independence of action or thought to any party at all.

By the CHAIRMAN:

Question. In the appendix to the message of Governor Holden I find a letter over your signature, under date of May 20, 1870. I will read a paragraph:

"On the whole I am satisfied that, as a law officer, I can do nothing through the ordinary channels of the courts. In my judgment, there are only two ways of arresting the evil: First, by arousing public opinion to put it down; or, secondly, by invoking the aid of United States troops, and making some sharp and decisive examples."

That had reference to the wrongs of which you have spoken, as having been committed by this organization. Was that the state of things as you believed it to exist at that time?

Answer. Yes, sir; and in connection with that I will state that since that time, and up to about the 1st of January, there have been several other very serious outrages committed. Two or three colored persons, to my knowledge, have been shot, and a great many whippings have taken place in the counties of Cleveland, Lincoln, and Gaston. I will state in regard to one case that came to my knowledge only a few days ago. It is the case of a white person of the name of Carpenter. He stated that he had employed two negroes to work for him this year; that they were negroes of good character, honest and industrious. Shortly after he had employed them he was advised by some of his neighbors to send them off; that they did not want them in that neighborhood. He declined to send the negroes away, and a night or two afterward a disguised band came to his house. They went into his house, ran him off, broke open his drawers, searched the house from bottom to top, and when they went away they carried off, he says, eighty dollars in money. They ran the negroes off, and alarmed his wife, who was there alone with four or five children, and he stated that since that time his wife has been in such a condition that she has been afraid to live there; that he had abandoned his house, and gone to live in a log cabin, or kitchen, because it was a more secure place; and that he and his family were now sleeping on the floor, apprehending an attack every night. He also says that since he has reported that money had been stolen from his house they had sent him word that the Ku-Klux do not steal; that he would have to take that back, or he would be severely dealt with. He also stated that he voted the conservative ticket.

Question. I called attention to that paragraph of your letter for the purpose of asking you if the opinion therein expressed is still your opinion, or has your opinion been changed since then?

Answer. I have not changed my opinion since then, and I have referred to this case only to show that outrages have been committed since that letter was written.

Question. Is that in your district?

Answer. It is.

Question. What distance do you live from Alamance County?

Answer. Something over 100 miles—about 125.

By Mr. WILSON:

Question. You have spoken of the political action of this klan; I suppose you meant to include in that the race feeling as well as the political?

Answer. That would be what I mean—opposition to the political and civil rights of

the colored people. To speak candidly, I am inclined to think that that opposition is not altogether confined to the conservative party. I think in many instances members of the republican party are opposed to the civil and political equality of the race.

By Mr. BAYARD:

Question. Is there any difficulty in your district in the service or execution of civil process?

Answer. I think not—not the slightest.

Question. No resistance to the officers?

Answer. None whatever; in no instance has there been resistance.

Question. Were you present at the election in August last?

Answer. I was.

Question. Was it peaceable and orderly?

Answer. Entirely.

Question. No intimidation of any person known to you?

Answer. None at the polls.

Question. Was there a special election in your district in December last?

Answer. No, sir.

Question. Do you know whether there is or not intimidation by the negroes of each other in respect of their political views?

Answer. I believe there is. I am satisfied from my own observations and from hearing them talk about one another, that they feel very much exasperated if one fails to vote with the majority, and that they do threaten.

Question. Are not the majority members of the republican party?

Answer. Yes, sir.

Question. In your opinion can a colored man safely and openly differ with his race on the subject of politics in your section of the country?

Answer. Yes, sir. I have known them to do it, and to do it with impunity, though it creates ill-feeling among the others and sometimes threats of violence. I have no known a case of actual violence to be committed upon them, but I have known several to differ and to do it openly and to vote openly for the ticket. There is a certain odium about it among the blacks that it is very hard to resist. They are ostracised in a great measure, I think.

Question. For voting what is called the conservative ticket?

Answer. Yes, sir.

By the CHAIRMAN:

Question. You say when a colored man differs from his race and votes the conservative ticket he is visited with odium among his race? When a white man votes the republican ticket is he not visited to a great extent to the same way by the odium of the white race?

Answer. He is.

Question. Do you know of any organization among the colored people which inflicts violence or wrong upon those of their race who differ in political opinion?

Answer. I do not. I do not believe, from my knowledge, that any such exists.

Question. Can you, from your experience, suggest to us any remedy for the wrong which has grown out of the existence of this organization?

Answer. I have my views about that, which I can frankly state.

Question. We shall be glad to have them.

Answer. I think public opinion would probably change if we had something like a general or universal amnesty. I think a great deal of this public opinion is created by the fact that a large class of our people feel that the negro has political rights which they have not; that he can hold office while a large number of our people cannot. I think that is one cause of the public opinion, and if it could be changed I think the evil would be at once corrected, and this organization would be disbanded. If there was a general amnesty, and then a law passed by Congress making it highly punishable to commit these offenses, I believe they would cease in a very short time. I have seen a bill, introduced I believe by Mr. Sawyer in the Senate, that I would refer to as one that I think would accomplish every purpose, with some modifications. I think considerable modification should be made in it. It gives too much military power. I think civil remedies would be amply sufficient.

Question. Do I understand you, then, that many of these wrongs grow out of the resentment entertained because of the fact that the negroes are eligible to office while many of the white men are not?

Answer. Yes, sir; I think that that state of facts has created a public opinion and sustains a public opinion that countenances these outrages, and that if that public opinion itself could be changed the outrages would cease.

By Mr. WILSON:

Question. Are there any exclusions in the constitution or laws of North Carolina?

Answer. None whatever in the constitution of the State.

Question. You refer entirely to the law of Congress?

Answer. Yes, sir; we have no exclusion whatever, except the exclusions that are made by Congress, which are excepted in our own constitution.

Question. You mean to say, then, that those persons that are excluded by Congress feel that they are wronged by the fact that the colored people have rights that they have not; and they rather countenance, or do not do or say anything to repress the violence of those people who commit outrages?

Answer. Yes, sir; I mean that they are ready and willing to take political advantages which arise out of these outrages committed by this organization. It helps them to obtain power, and to retain it.

By Mr. BAYARD:

Question. In the first part of your testimony, on being asked by the chairman as to the dates when these wrongs were committed, you answered that it was from the passage of the reconstruction acts till the present time, and I believe you went on further to attribute the condition of feeling that led to these outrages to the passage of those acts. Did I understand you right?

Answer. Yes, sir; that is my testimony.

Question. Before this system of reconstruction was entered upon, did any such class of outrages occur in your community, or was it peaceful and quiet?

Answer. None; we had peace and quiet.

Question. And unobstructed action of the laws of your State?

Answer. Yes, sir.

By Mr. RICE:

Question. If the conservatives were given their own way now in the State, it would all be quiet, would it not—if they just had their own way in all the elections and their own men in office?

Answer. So far as it is a political organization, I am satisfied that it would, but so far as it has degenerated into an engine for wrong and mischief, in other respects, I do not know that it would.

WASHINGTON, D. C., February 1, 1871.

ETHELBERT HUBBS sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?

Answer. In New Berne, North Carolina.

Question. What is your occupation?

Answer. I am an editor.

Question. Of what paper, and what party?

Answer. The Newbern Daily Times, a republican paper.

Question. How long have you lived in North Carolina?

Answer. Since 1862.

Question. You were called for the purpose of giving such information as you have bearing upon the security of person and property in the State of North Carolina. State as briefly as you can the knowledge you have on that subject.

Answer. As regards the political situation of North Carolina I deem it to be in a state as near anarchy as it can well be. We have what might be termed class legislation at the present time by the legislature, and for a period of nearly three years there has been but very little security for life and property in many sections of the State. There have been many outrages committed, and no punishment, no adequate punishment for them. A number of murders have been committed, which are characterized as political murders. Parties have been arrested from time to time, and let go on what is termed straw bail. It is generally understood that no punishment can be inflicted on account of what is termed a political organization called the Ku-Klux, or White Brotherhood, or something of that sort. It goes by various names. However, in several sections of the State everything goes on smoothly, quietly, and lawfully. I can speak more particularly in regard to my own section. The county in which I reside has been very quiet indeed, owing, as is believed, to the fact that a large majority of the people are republicans in sentiment. In the adjoining county of Jones there have been, to my certain knowledge, three political murders, within the last two years.

Question. Can you name the persons killed?

Answer. One was Sheriff Colgrove; undoubtedly a political murder. Another was Colonel Sheppard; also a political murder. Another was a colored man named Jones; it occurred at the time Colonel Colgrove was murdered. In the adjoining county of Lenoir, also, there have been a number of murders. Five men were taken out of jail by a band of disguised men and were never seen or heard of afterward. I speak from common report.

Question. That was the subject of judicial investigation?

Answer. Yes, sir; before Judge Thomas, at New Berne. There was no commitment. The parties implicated are at large, on bail, one of whom was recognized as a man by the name of Munroe. I was present and heard a part of the proceedings. There was direct testimony implicating this man as one of the party that entered the jail and stated in taking out the prisoners there confined. In that county a short time ago, about a month, I think, there was a band of disguised men went to the house of a colored man by the name of Whittfield, called him out of his bed, and shot him in cold blood, and carried away his horse. Then they proceeded to another house and shot a man and woman who occupied it, and took away a horse from that place. One or two of these men, I think, were recognized by the woman who was shot, and upon her information Sheriff Hunter arrested them, as I learned from him before I left; and he stated that without doubt they were guilty. On my way here I learned that they were discharged, as is customary, on straw ball. I have heard of a great many outrages by common report.

Question. You have not been in the vicinity where they were committed?

Answer. No, sir. I was in the vicinity of the murder in Jones County. I went out there myself and brought in the body of Colonel Shoppard. I have seen and conversed with a number of parties who have had outrages committed upon them, and have every reason to believe they told correct stories. One man stated to me that he was very severely whipped for no other cause than that he voted the republican ticket. He said that the parties who did it told him it was for that reason.

Question. In what county was that?

Answer. I think it was Wayne; I am not certain.

Question. You have seen the man?

Answer. Yes, sir.

Question. You have only his statement?

Answer. Only his statement and the evidence of the marks on his body.

Question. Are you giving these statements from your knowledge derived as an editor?

Answer. As an editor and from common report.

Question. And from communication with the people themselves?

Answer. Yes, sir; from communication with the people also.

Question. From your position as editor and the intelligence you have derived from various portions of the State, what is your opinion as to the cause of these outrages that have been communicated to you?

Answer. Prejudice—political prejudices.

Question. Is that confined to one party or the other; or do both participate in these outrages?

Answer. I think it is almost exclusively confined to what is known as the democratic-conservative, or conservative-democratic party.

Question. Give your reasons for that opinion.

Answer. My reasons are these: The men who are murdered and outraged are republicans almost invariably, and the men who are supposed and believed, and in fact known in many instances to do it, are democrats or conservatives; and also from the common talk.

Question. In your intercourse with the politicians of the State do you find these outrages condemned or justified by one or the other political party; and, if so, which of them condemns and which justifies?

Answer. The republican party invariably condemn and endeavor to bring the parties to justice; the conservative party invariably pass it by—rather approve of it than otherwise.

Question. Have you found among the leading men of the conservative party those who condemn it?

Answer. Oh yes, sir; plenty of them.

Question. Do they make no effort to bring the parties to justice?

Answer. Very little.

Question. What is the tone of the press on the subject?

Answer. Bitter, sir; highly partisan.

Question. In what respect?

Answer. Well, in endeavoring to justify the acts of these men who go about committing these outrages; showing, or endeavoring to show, that they have cause or reason for their actions toward those who are injured, who, they say, are bad men, and deserve to be lynched, &c. That is common talk.

Question. Have you any other personal knowledge, bearing upon the security of person and property in your State? If so, state the facts.

Answer. I have this with regard to my own personal experience: In traveling from New Bern to Trenton, a gentleman who was mistaken for myself was stopped late at night, and when the men, who were armed and disguised, were informed that it was not Hobbs, (i. e., myself,) and were asked, "What do you want of him?" they replied, "Oh, nothing much, only we want to tickle him a little." This man's name was John Har-

gett, a deputy marshal. Since that time I have resided in the upper portion of the city, and I have been followed to my home or nearly there on three separate occasions, by parties who, I believe, were seeking to assassinate me. I have been warned again and again to be careful. I, however, think a man's life is safe in that section. In Craven County I have no fear of my own.

Question. How many republican papers are printed in North Carolina?

Answer. There are only five, I think.

Question. What are their names?

Answer. The Asheville Pioneer, The Raleigh Gazette, The Wilmington Post, The American Advocate, and The New Bern Daily Times, my own paper.

Question. What is the number of papers of the opposite party?

Answer. I think there are about a dozen.

By Mr. BAYARD:

Question. You went to North Carolina in 1862?

Answer. I did.

Question. Where from?

Answer. From New York.

Question. What was your occupation previous to that time?

Answer. A merchant.

Question. When did you become an editor?

Answer. About the 14th of May last.

Question. Have you been living in New Bern during the whole of that period?

Answer. No, sir; I have lived in New Bern all the time since the latter part of 1863.

Question. You spoke of the tone of the papers—that is, what are called the democratic-conservative papers—being very bitter; what is the character and tone of your own and others in that regard? Is it equally positive on the other side?

Answer. No, sir; no, sir; on the contrary, I consider the press on the other side altogether too mild under the circumstances.

Question. Did you ever hold any official position in North Carolina?

Answer. Yes, sir.

Question. What?

Answer. I was an officer of the United States Army from 1861 to 1863—a soldier first and an officer afterward; then deputy supervising special agent for the Treasury Department, under Colonel Heaton; and I am now deputy collector of customs for the port of New Bern.

WASHINGTON, D. C., February 2, 1871.

LEWIS HANES sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?

Answer. In Salisbury, North Carolina.

Question. In what county?

Answer. In Rowan County.

Question. What is your occupation?

Answer. I am editor and publisher of a newspaper.

Question. To which political party are you attached?

Answer. I have generally acted with the conservative party; but I am independent rather. I have not been able to agree with any party since the war. During the war I was an unflinching Unionist.

Question. How long have you resided in the State of North Carolina?

Answer. I was born and raised in that State, and have resided in it all my life.

Question. The object which this committee has in view is to ascertain the state of security for person and property in the State of North Carolina at the present time; will you state to the committee any facts within your knowledge which will bear upon that investigation?

Answer. I cannot say that I know much, of my own knowledge, of some parts of the State. That portion of the State in which I immediately reside has never been much disturbed. There has never been any want of security of person and property in the county of Rowan, and the counties immediately adjacent. As to the disturbances in Caswell, Alameda, and other counties, I have only expressed opinions, based upon testimony taken in the various judicial investigations before the justices of the supreme court of the State.

Question. I will ask you to give a condensed statement bearing on the general question, before I put to you any special interrogatories.

Answer. In my portion of the State, in those counties in which I am immediately acquainted, I do not think there is any danger at the present time to the person or property of any one of any political party; and in the county of Rowan, and in the counties immediately adjacent, I do not think there has been any danger at any time since the war.

Question. Is that as much of a general statement as you desire to make?

Answer. I could make no further statement, save that which would be based upon testimony before your committee. You have the testimony of witnesses in regard to the outrages in Alamance and Caswell, and I presume this committee is quite as capable of arriving at just conclusions from that testimony as I am.

Question. Does there exist, according to your belief, in the county in which you reside, any secret organization which has a political purpose?

Answer. I have some reason to believe that there is a secret political organization in that portion of the State.

Question. Give us the name of any such organization, and its purposes, so far as you know them.

Answer. Certain persons in Rowan have admitted to me that they believed that there was a secret organization there in the interest of the democratic party, but they said it was political only, and did not countenance the commission of outrages, or taking the execution of the law into its hands. My opinion is that there is a secret political organization, but I have no reason to believe that in Rowan County there is anything more than a mere political organization.

Question. Who were the persons who admitted to you the existence of a secret organization?

Answer. They did not admit their knowledge of it; only their belief that there was such an organization.

Question. Who were they?

Answer. If the committee insists upon it, I will give their names; but I would rather not do so.

Question. Our object is to ascertain the truth upon both sides of this question.

Answer. Major Robbins, who is the State senator from that county, told me that he thought there was a secret political organization, but he denied that it had any such purpose as the Ku-Klux had in Alamance and other counties.

Question. Any other person?

Answer. I think John S. Henderson also made a statement to about the same effect.

Question. Who is he?

Answer. He is an attorney-at-law in Salisbury. I always denounced in my paper the outrages committed by the Ku-Klux in Alamance and other counties, and several persons spoke to me about it, and tried to convince me that I should not do so; that there was no trustworthy evidence of those facts.

Question. Who were those persons who blamed you for denouncing the Ku-Klux?

Answer. I do not know that they were blaming me; they were trying to convince me that the testimony was not really trustworthy—that the statements were exaggerated.

Question. That was in consequence of your having denounced the Ku-Klux?

Answer. Yes, sir.

Question. Have you any doubt of the existence of that organization, properly known as the Ku-Klux?

Answer. I have no doubt of its existence in parts of North Carolina, although I do not think it existed in that form in Rowan County and the adjacent counties. I have expressed my belief of its existence, and I have repeatedly and constantly denounced it in my paper. I have believed that it existed in a small number of counties; I never could ascertain how many.

Question. Were there any such acts of violence committed in Rowan County, where you live, as you understand, from common report, to have been committed in Alamance and other counties?

Answer. No, sir; not exactly. We had quite a number of efforts to burn barns and other buildings in the town of Salisbury, but I have no reason to believe that they proceeded from an organization of that character. A man by the name of Stephen Hardy was generally thought and believed by the citizens of Salisbury to be the incendiary. He was a very odious man there. He came there with the Federal Army and married a colored woman, which made him odious, and the impression now is general there that he was the incendiary. During this time he was so unfortunate as to kill a man there, the brother of the mayor of Salisbury, a leading democrat, and an influential man—to kill him under circumstances of great provocation. He was tried before a Rowan jury, the foreman of which was a prominent conservative and a very intelligent man, and he was convicted of manslaughter. After a short time the governor pardoned him. I do not pretend to say unjustly, because it was a case of great provocation, and there were those who thought the killing justifiable. But immediately after he was pardoned and turned loose, those burnings commenced again. He was then arrested on a State warrant and examined before a special justice of the peace; but no convincing evidence was obtained against him, and he was discharged. His friends all advised him that he must leave there, which he did, since which time we have had no more of those burnings. I mention these facts more particularly to show that in the county of Rowan, a man, no matter how odious he may be, could obtain justice in our courts. I would

say that distinctly about the county of Rowan, and the counties of Davidson, Davie, Iredell, and Cabarrus, immediately adjacent. Beyond those counties, I cannot say that my personal knowledge extends at all.

Question. How far are those counties distant from Alamance, Caswell, and Orange Counties?

Answer. They are from forty to seventy-five miles distant from Alamance. There are two counties intervening between Alamance and the nearest of those counties.

Question. Did the proceedings on the trial of this man Hardy elicit any political feeling at all?

Answer. I cannot say that any such feeling was elicited upon the trial. I think his case was tried as impartially as any case could have been tried.

Question. Do I understand you to say that you believe what was known as the Ku-Klux organization existed in your county, but it did not there have such purposes as in other counties?

Answer. I cannot say that exactly; I say I believe there was a secret political organization there, and the other persons, who said they thought or believed such an organization existed there, claimed that it was nothing but a political organization merely, and that its purposes were legitimate entirely; as legitimate as were those of the Union League or Know-Nothing party.

Question. Did they tell you what were the purposes of either of those organizations, the one to which you have referred or the Union League?

Answer. I merely made that reference myself by way of illustration; I do not know that they referred to those other organizations, but they said the organization was perfectly legitimate, being nothing but a mere political organization to advance in a legitimate way the interests of the party.

Question. The purpose of my inquiry is to bring out the fact of the existence of any organization of either political party, and its effect upon the security of person and property in your county.

Answer. I think each party had a secret organization; that on the other side was known as the Union League. But I do not think that in that county the existence of either organization was detrimental to the public peace or to the security of life or property. I have no reason to believe that either of them transcended the legitimate bounds of a political organization.

Question. Were you a member of either of those organizations?

Answer. No, sir; I occupied such a position that I would not be likely to be approached with an invitation to become a member of either organization. I occupied rather an independent political position.

Question. When you denounced in your paper the proceedings of the Ku-Klux organization in other parts of the State, was there any difference in the manner in which your sentiments were received by the different parties?

Answer. I do not know that I exactly understand your question.

Question. Could you say that the one party as a party denounced those proceedings, and the other party as a party approved them; or were the parties divided among themselves on the subject?

Answer. There were those on the part of the conservative party who wished to represent the whole matter as exaggerated, as not amounting to nearly so much as was generally represented or believed.

Question. How with the other party?

Answer. As to the republican party, of course they all believed in the existence of the organization and constantly denounced it.

Question. Where trials in the courts arose out of the wrongs inflicted by that organization, do you believe that justice could be secured in those counties where the wrongs had been committed?

Answer. I have no means of knowing, as I remarked awhile ago, save what I have learned from evidence before this committee.

Question. That you have not seen, of course.

Answer. No, sir; I have not seen the evidence you have taken here; but I meant all that published evidence taken before the justices of the supreme court of the State of North Carolina in their investigations, and which I presume was communicated to the Senate by the President. That is the evidence to which I refer.

Question. From your knowledge of the public sentiment, derived from your position as the editor of a newspaper, do you believe that, in those counties where this organization exists and perpetrates these wrongs, justice can be secured in the courts of those counties against the perpetrators of those wrongs?

Answer. From the nature of the organization it would seem not. I have no doubt that any civil process could have been executed at any time without any difficulty; that there never was any necessity for a military force to aid in its execution. But the obligations of the organization, so far as I know anything about them, which is only from the testimony of which I have spoken, would go to show that jurors, &c., would combine to protect them. Those men who were bound over to appear at the

court in Alamance were never punished at all; but I think the fault of that was in the remissness of the governor of the State. The testimony in those cases to my mind seemed to be perfectly clear. The testimony was put on record, as in all such judicial proceedings, the parties were bound over, and the witnesses were recognized to appear; but, as I have been informed, the solicitor did not send in any bill when the court came to meet.

Question. To what court do you refer?

Answer. The court of Alamance County.

Question. Who is the solicitor there?

Answer. J. R. Bulla; he is a republican, as is also the judge of that judicial district. Mr. Bulla, I think, is rather a timid man. The governor employed three able counsel to conduct these prosecutions before the justices of the supreme court; and I think there was a remissness on the part of the governor in not sending one of those lawyers to Alamance County to assist the solicitor there, Mr. Bulla.

Question. Do I understand you to say that Mr. Bulla, in his capacity as prosecuting officer, did not send any bill to the grand jury in the cases to which you refer?

Answer. So I am informed.

Question. Did you ever hear any reason given why he did not?

Answer. I never heard any reason given for it at all.

Question. Are the judicial officers in those counties who undertake to prosecute these offenders safe?

Answer. I know nothing to the contrary.

Question. What is your opinion on that point?

Answer. The opinion would be conflicting. There would be those who would say they would not be safe, and there would be others as intelligent and reliable who would insist that they would be safe. I myself think they would be safe.

By Mr. BAYARD:

Question. Did you ever know of a case of the attempted intimidation of a judge, or of any civil officer in the State?

Answer. No, sir; I never did.

By the CHAIRMAN:

Question. In any case not involving the feeling growing out of this organization, I understand you to say the administration is unobstructed?

Answer. As unobstructed as it ever was; that is my observation.

Question. Is that the case throughout the State, or do you confine the application of your remark to your own county?

Answer. I should say that was the case throughout the State, save in cases growing out of political feeling, growing out of the war. In all other cases I should say the administration of justice is as unobstructed as it ever was in the land.

Question. Is there any feeling of animosity manifested toward the colored population?

Answer. Only to this extent: the colored population now have privileges which are denied to a large and influential portion of the white people, a large number of the most able and influential men of the State, among whom are some men who were really Unionists during the war, but who are now banned by the fourteenth amendment and cannot hold office. It naturally vexes them to see their former slaves with privileges which they cannot themselves enjoy. That does not create so much of a feeling against the colored people as it does of a feeling against the Government, or against the party in power, who they regard as responsible for that condition of things.

Question. Does that feeling find its vent in animosity against the colored population?

Answer. I do not think it does, unless it may be in a very few exceptional cases. It may in a few exceptional cases find that vent.

Question. To what extent does that feeling go of animosity toward the Government for this alleged discrimination?

Answer. Well, sir, I can hardly say; but there is more or less of it throughout the State. You say "animosity;" I should rather say disaffection. I should say the distance between disaffection or animosity and rebellion was very great. I think nobody contemplates any resistance to the Government, or anything of that sort; but there is a feeling of dissatisfaction.

Question. Does it manifest itself in opposition to the reconstruction laws, or the laws to secure the civil rights of the colored people?

Answer. I do not know that it does. It, however, produces a great deal of that bitterness of political feeling that exists in the State, and which is a sort of instrument in the hands of bitter demagogues, who are hostile to the party in power, to excite the feelings and animosities of the people.

Question. You attribute this feeling, then, almost entirely to the fact that the Government, or the people, by a constitutional amendment, has prohibited certain white men from holding offices to which the negroes are now eligible?

Answer. To a very great degree; I could not say entirely so, because I could not say

that I knew that to be the case; but I feel justified in saying that to a very considerable extent it may be attributed to that.

Question. That is, there is opposition to the consequences which Congress or the country deemed it prudent to impose upon them for participation in the rebellion?

Answer. Yes, sir.

By Mr. BAYARD:

Question. What is the name of the newspaper you publish?

Answer. The Old North State.

Question. Did I correctly understand you to say that you were an unflinching Unionist during the late war?

Answer. Yes, sir; I think I was better known to the people of North Carolina as a Unionist than any other man in the State. I think the whole delegation from that State in Congress here will corroborate that statement.

Question. And that was always your position?

Answer. Yes, sir.

Question. You held that position both during and since the war?

Answer. Yes, sir; I wrote and spoke with great boldness. I proclaimed my Union sentiments everywhere. In the legislature of the State, in 1844, I made a speech in favor of a restoration of the Union, and I did not put it wholly upon the ground that the confederacy was about to be overthrown, but I advocated it *per se*.

Question. You have spoken of the case of a man named Hardy. You say that he was a notoriously bad character?

Answer. Yes, sir.

Question. That he had come there and had cohabited with a negro woman?

Answer. And had married her under a license from the military authorities.

Question. Was such a marriage against the laws of the State at that time?

Answer. Yes, sir; I think it was.

Question. With what political party did this man Hardy not?

Answer. He acted with what was known as the radical wing of the republican party. We sometimes make a distinction between the radicals and the republicans. His associations were almost wholly with the colored people.

Question. What are the politics of the controlling party in Rowan County?

Answer. Democratic.

Question. Whom did this man Hardy kill?

Answer. A gentleman by the name of Daniel Shaver.

Question. Was he a man of position?

Answer. He was a man of some position, and his brother is the mayor of the town, and the wealthiest and most influential man in the county.

Question. And a democrat?

Answer. Yes, sir.

Question. You say that man was tried for that homicide before a jury of Rowan County?

Answer. Yes, sir.

Question. And was acquitted of murder, and convicted of manslaughter?

Answer. Yes, sir. And the presiding judge, in consideration of the mitigating circumstances, imposed the slightest possible penalty.

Question. Who was the judge in that county?

Answer. The judge of the same judicial district.

Question. The man was pardoned by Governor Holden?

Answer. Yes, sir.

Question. And after his pardon this barn-burning commenced?

Answer. It commenced again; it had existed before.

Question. And he was advised to go away from that community?

Answer. Yes, sir.

Question. Can any man, irrespective of party or race, obtain fair and impartial justice under the laws of North Carolina, in that part of the State where you reside?

Answer. He can, in those counties which I have mentioned. I cannot speak from personal knowledge of any of the other counties. The portion of the State where I reside has been about the most quiet and the least disturbed of all the portions of the State, especially where there are many colored persons.

Question. Did I correctly understand you as saying that if the civil authorities in Alamance and Caswell had been diligent in the prosecution of their duty there would have been no necessity for the presence of a military force to put down the disorders there?

Answer. What I said was this: that there had been no time when these parties could not have been arrested by the sheriff and his deputies, on a civil process; whether the juries would have combined to protect them I cannot say.

Question. That fact was not tested in consequence of the remissness of those whose duty it was to prosecute?

Answer. That is what I mean; that the solicitor did not send bills to the grand jury and that I attribute to the remissness of the governor in not sending one of the counsel that he had employed in prosecuting the cases before the justices of the supreme court.

Question. To which party did those persons belong who were employed by the governor?

Answer. One was the Honorable Nathaniel Boyden, formerly a member of the house of representatives from that State. The other two were like myself, rather independent, but had voted always with the conservatives.

Question. Are you aware of the reputation of Colonel Kirk?

Answer. I know nothing of Colonel Kirk save what has been stated constantly through the newspapers. I never have met him so as to make his acquaintance.

Question. Do you know what is his general repute and character in North Carolina?

Answer. Well, it is not good.

Question. State, if you can, what is his repute among the people of North Carolina?

Answer. He had the reputation of having been a sort of freebooter in Tennessee during the war. I speak of general newspaper report and common rumor.

Question. I mean his common reputation in North Carolina.

Answer. That is what I mean.

Question. Was his name associated with any acts of violence or lawlessness?

Answer. It was. It was alleged that he had committed several murders during the war.

Question. That was his general repute with the people of North Carolina?

Answer. Yes, sir.

Question. He was a Tennessee man, I believe.

Answer. I believe he was born in Rowan County, North Carolina, and lived there in infancy; but he was raised in Tennessee, and had lived there for a number of years, and was wholly unknown by the people of North Carolina as a North Carolinian.

Question. Do you mean when he was brought into the State by Governor Holden, and placed at the head of this militia?

Answer. Yes, sir; or rather I should say the mercenary troops he raised.

Question. What was the character of the band he raised?

Answer. I do not know that I can describe them. They were said to have been generally taken from the lowest of the population of that mountain country; men who had hardly any clothes, no shoes, no hats, and who went into the service with the expectation of making something. That was the opinion, very freely expressed.

Question. Were they from Tennessee, as well as North Carolina?

Answer. A portion of them were understood to have been from Tennessee.

Question. Have you ever heard anything of his lieutenant colonel, Bergen?

Answer. Only in North Carolina; I never heard of him before.

Question. Was his common reputation similar to that of Kirk?

Answer. I cannot say that I know what reputation the man had before he came to North Carolina.

Question. You are a journalist?

Answer. Yes, sir.

Question. And it is your business to ascertain the news of the State for the purpose of publication?

Answer. Yes, sir.

Question. What was the reputed treatment by Kirk of those persons he took as prisoners?

Answer. Kirk's reputed treatment of the men he took as prisoners was not bad. His lieutenant colonel, Bergen, was said, and doubtless truly said, to have treated them infamously; to have hanged them up to extort confessions from them; to have put them in jail, &c.

Question. Were there many persons so tortured by him?

Answer. I have heard of three or four instances only. I could only say that I had evidence to satisfy me of three or four such cases.

Question. You say he would hang them up. Describe what you mean.

Answer. The affidavits of some of the persons who had been hanged were read before his honor Judge Brooks, of the federal court, in my presence, in which they described that he hanged them up by the thumbs, I believe, or by the wrists; I do not recollect distinctly which it was.

Question. For what purpose?

Answer. For the purpose of torturing them into confessing and making disclosures concerning their accomplices. I presume their affidavits are among the papers filed here.

Question. Were you present at the hearing, before Judge Brooks, of the prisoners surrendered by Kirk?

Answer. Yes, sir; that is, I was present at the hearing of those who were surrendered at Salisbury.

Question. How many of them were there?

Answer. Perhaps twenty or more.

Question. Was there any evidence brought against those prisoners to warrant their being held to bail, or anything of that kind?

Answer. No, sir; there was not. Those who were brought before Judge Brooks at Salisbury were all Caswell prisoners. The Alamance prisoners, against whom the evidence was elicited, were returned before Judge Brooks, at Raleigh. I was not present at all at that hearing.

Question. You were at the Salisbury hearing?

Answer. Yes, sir; I made a report of it for my paper.

Question. You say there was no evidence whatever to warrant their being held?

Answer. No, sir.

Question. They were discharged at once?

Answer. Yes, sir.

Question. Was Kirk there at the time?

Answer. Yes, sir; I saw him there.

Question. You have spoken of a strong feeling of political bitterness existing in certain portions of that State, which you have stated arose, in your opinion, mainly from the fact that a large body of enlightened and influential men in the community were disfranchised by the provisions of the fourteenth amendment to the Constitution of the United States?

Answer. Yes, sir.

Question. And that it was the spectacle of the freedmen, their former slaves, in possession of those political privileges of which they themselves were deprived, that was the cause of their political bitterness?

Answer. To a very considerable extent, yes, sir.

Question. And you also stated that probably the feeling which prompted some of these outrages among the lower orders grew out of some such cause?

Answer. Yes, sir.

Question. Is that your belief?

Answer. Yes, sir; that is my belief.

Question. Then I will ask you what you believe would be a cure for the outrages which have been committed, and for the feeling which caused them?

Answer. I think the legislation which is necessary, as that which will tend to produce a better state of feeling, is this: You must have observed that it is difficult to execute laws where the public sentiment any way justifies outrages or criminal acts. I think a general amnesty bill, a repeal of the test oath, and the admission into Congress of those persons who have been elected by the people to represent them, would do more to restore good feeling, and as a consequence to arouse a public feeling against this lawlessness, and a respect for the Government, than anything else that could be done.

Question. You have spoken of the fact of there being disaffection and dissatisfaction among the people. I will ask you whether you believe that with a restoration of privileges there would be a strong feeling to uphold the Government of the United States?

Answer. I think the tendency would be to create such a feeling, and to strengthen it. I think the effect would be a most happy one in every sense of the word, and in a party sense I believe it would be the most popular thing the party in power could do. It would do more to strengthen such a feeling than anything else. However, that is foreign to this inquiry, I suppose.

Question. You have spoken of Union Leagues; do these associations exist generally throughout the State?

Answer. They did at one time exist in every county; but I think they have fallen into decay to a great extent, as I think the other organization has to a very considerable extent. There may be a county or two which is an exception.

Question. Were their rival organizations of the same character?

Answer. It was so claimed by those who apologized for the Ku-Klux. It was claimed that they were got up as a set-off to the Union Leagues.

Question. Of whom were the Union Leagues generally composed?

Answer. They were composed generally of all the members of the republican party. All the colored persons were understood to be members of it, and, I think, some of the most respectable men of the State who belonged to the republican party belonged to the Union Leagues. Pretty much the entire party were connected with the leagues. I do not think, on the other hand, that the entire conservative or democratic party were connected with any secret organization.

Question. Have you, or not, heard from members of the democratic party as severe denunciation of these lawless outrages as you have from any other source?

Answer. I have from a few who have acted with that party, and by some who, you may say, were in full fellowship with it; but there was a disposition to apologize to a certain extent, on the part of the democratic party, for these outrages; that is, I should rather say, on the part of a portion of it. I do not mean to say all of it, or half of it.

My own paper and one or two others were the only ones that denounced them; or there were several others that denounced them, but mine was more severe than any other.

Question. The last election held in North Carolina, was it, in your opinion, fair, orderly, and peaceable?

Answer. It was, except in those two counties that were declared to be in insurrection, and where troops were stationed.

Question. When you say troops you mean Kirk's militia?

Answer. Yes, sir; I believe there were also some United States troops in Caswell County. I never have seen a freer or fairer election in that State.

Question. Every man had his right to vote unobstructed, black or white?

Answer. Yes, sir; black or white. There are a great many colored people in Rowan County, and they voted as free and unobstructed as any other class of citizens. I was there on the day of election, and can say that from my own knowledge and observation.

Question. Were there many depredations committed by Kirk's band while they were in Caswell and Alamance Counties upon property as well as persons?

Answer. I cannot say that I know anything about their depredations upon property in those counties. I do not recollect any reports; but if I ever knew anything, it was from reports.

Question. You gathered it as news?

Answer. Yes, sir. I do not remember any now. The troops, as they were coming down the western road on their way to Alamance, behaved very badly at Salisbury.

Question. You mean Kirk's men?

Answer. Yes, sir.

Question. What did they do?

Answer. They were sent by Kirk up town for a prominent citizen who was connected with the railroad there. As they came along by the Mansion House, a hotel kept by two as law-loving men as can be found anywhere, and as they got opposite the window of the dining-room, which was on the first floor, the window opening to the sidewalk, one of them fired a pistol into the pavement and exclaimed, "I have been shot at from the window." The guests were then at dinner, and a number of the troops ran and thrust their guns with their bayonets in the window, and frightened the women and children and everybody else from the table. These facts were related to me by quite a number of men of whose truthfulness I have no doubt at all. They said it was a forged shot fired by the man himself.

Question. Was it generally considered by the people of those counties that the presence of these men of Kirk's was beneficial to the good order and safety of the community, or the contrary?

Answer. The general opinion was the contrary. The sending of Federal troops there would have created no apprehensions at all in the minds of our people, because they are under thorough discipline. They have no dread of Federal troops. Their dread of these men grew out of the fact that they were a set of desperadoes, with little or no discipline.

By the CHAIRMAN:

Question. Is your paper an organ of the conservative party in your county?

Answer. No, sir; it is an independent paper; particularly so.

Question. You have spoken of the killing of the brother of the mayor being done under great provocation; what was the provocation?

Answer. I do not know that I can recollect all the circumstances distinctly, nor how the quarrel commenced. Shaver had a big stick raised in a striking attitude, under such circumstances that Hardy might reasonably have apprehended that Shaver would hit him and kill him with it.

Question. I suppose the ground of defense was that he took Shaver's life to save his own?

Answer. That was the defense set up. There had been no previous quarrel, and it was alleged to be a case of excusable homicide, or of manslaughter, and the jury found a verdict of manslaughter.

Question. Shaver approached him without previous provocation, and he defended himself to escape death or great bodily harm?

Answer. I think so. Shaver was in a barber shop when Hardy entered, and the quarrel commenced on Hardy's entrance into the shop.

Question. You have spoken of Colonel Kirk's reputation; did you or not hear of this reputation principally from persons who had been arrested, or from persons who sympathized with or palliated the proceedings of the Ku-Klux?

Answer. No, sir; that was the reputation he had before he was called there to command these troops. He had been at the head of some Union troops in Western North Carolina about the close of the war. In that way there had been a general report spread about him.

Question. You have no knowledge of any of these charges?

Answer. None in the world; I do not vouch for the truth of them.

Question. Were not these charges made principally by persons who were in opposition to Governor Holden in that State?

Answer. Well, I heard them before Holden became governor.

Question. I speak of what he did when he was there; were not the charges made against him by persons in opposition to Governor Holden?

Answer. Yes, sir; generally so.

Question. Were you yourself in opposition to the governor's proceeding?

Answer. I was; but I would not have been in opposition to proceedings taken in a proper form. If, for instance, Governor Holden had sent for a company of United States troops, or if he had called out a company of militia properly detailed from the State, under command of a respectable man, and used them only as constables, to assist the civil officers in the execution of civil process, and made arrests by civil process instead of military, I would have sustained him.

Question. You believed, then, that military force was necessary in those counties, but you objected to the character of the military forces he sent.

Answer. No, sir; that is not my opinion. I have stated that I believed civil process could have been executed. Still, if the governor had believed it was necessary to send the militia there, and had used them only to execute civil process, I would not have objected, because that was a matter on which two equally honest men might differ until the trial was made.

Question. You have spoken of common report that Colonel Kirk had been guilty of wrongs in North Carolina; were not numerous persons in Caswell and Alamance Counties charged with having committed outrages there?

Answer. The Ku-Klux there, I believe, committed some murders. For instance, Outlaw was hung and Puryear was drowned; those acts, I believe, were committed by the Ku-Klux.

Question. If any man connected with that organization was called on to give a statement in regard to Kirk or anybody else favorable to the suppression of their operations, would you, from your knowledge of their organization, believe such a man under oath in regard to their transactions?

Answer. Well, sir, unless he was corroborated, I should certainly take his statement with some degree of allowance.

Question. Do you, or not, believe that members of that organization are bound by oath to acquit each other in case of charges made against them?

Answer. The evidence taken in these investigations that have been made, which is all that I have, shows it to be such.

Question. Does that satisfy you that it is so?

Answer. Yes, sir; I believe it did; and I think I so stated in my own paper. That, I believe, is the character I gave of the organization in those counties.

Question. In regard to the necessity, in your belief, of legislation to remove disabilities, do not persons who take that ground hold also that those who took part in the rebellion were not guilty of treason to this Government?

Answer. Not all of them. North Carolina was never a secession State; it was a whig State, and there were a great many democrats who did not believe in the doctrine of the right of secession. Chancellor Ruffin, though a democrat, did not believe in it. I do not think there was over at any time more than one-third of the people of our State, and perhaps a much smaller number, that were prepared to indorse the doctrine of secession.

Question. I am speaking of their position now. Do not a large portion of the people who make complaints of the colored man having rights which they have not take the ground that those who went into the rebellion were not guilty of treason against the Government?

Answer. All those who believed in the right of secession took that ground, and if their doctrine was true, it would follow that they were not guilty.

Question. Do they not also take the ground that the Government ought not to have inflicted any punishment, either by way of disfranchisement or any other mode, against those persons?

Answer. Some of them do; some of them, however, say, while they believed in the doctrine of secession, the Government held otherwise, and as the Government has triumphed, it has established its theory, and therefore they recognize the right of the Government to impose terms; still, a large number hold otherwise.

Question. Do you believe that the removal of the restriction on eligibility to office would make good citizens of those that hold that ground?

Answer. With a large number of them it would have a tendency to mollify their feelings. I am convinced that a bill of general amnesty—I will not say universal, because there may be classes that it would be well enough to exclude longer—a general amnesty act, with a very few excepted classes, would be satisfactory to most persons.

Question. Were there any acts of violence, that you are aware of, committed by members of the Union League, or in pursuance of its proceedings?

Answer. There were a great many, I believe, committed by members of the Union

League, but I have never seen any satisfactory evidence that it was carrying out the orders or decrees of any league.

Question. There were instances of individual violence?

Answer. Yes, sir; a number of such cases as that, but it never was proven to my satisfaction that the parties acted in pursuance of any order or decree of the League.

Question. Do you believe the existence of these secret political organizations, without regard to the party to which they belong, has a tendency to create an irritation among the people politically, and lead to outrages?

Answer. Yes, sir; and I do think it would be better if both organizations were to cease to exist. The colored people all joined these leagues, and they met once a week immediately after the adoption of the reconstruction acts. Then they were harangued frequently by some white persons who endeavored to inflame them for the purpose of consolidating them against the white race, in consequence of which there was created too much hostility between the two races; or such was the popular belief.

Question. On the other side the privileges of the colored people were made the means of exciting the white people against them?

Answer. Yes, sir; I think it has been unfortunate for the State of North Carolina that either organization ever had an existence, and I think it probable that if the league had never had an existence the other organization would not have existed. I do not give a positive opinion about that, however. The existence of the league is always spoken of to palliate or justify the other.

Question. Have the members of the league ever made any concealment of their belonging to it?

Answer. I think not.

Question. Do they hold public meetings?

Answer. No; their meetings were not public, they were always in private; but it was very well known that they held their meetings.

Question. Did they avow themselves in public as members of the league?

Answer. Yes, sir; I have heard them avow themselves.

Question. Do you know of any efforts being made to keep voters from the election, before the day of election?

Answer. I do not. In those four or five immediate counties of which I have spoken I am sure no fairer election can have been conceived than was held there.

Question. In regard to the transaction in the town of Salisbury, I suppose it was a question of dispute between the troops and the people at the hotel. You have no knowledge as to the fact?

Answer. I have not; but a number of gentlemen who witnessed it all made the statement.

Question. As to the men in the militia, do you speak from personal knowledge of them, or from the reputation given to them by the community in which you live?

Answer. That was the reputation given to them by those who saw them in the community in which I live, as well as in some other communities; for I was frequently on the railroad and saw men in other parts of the State.

Question. It was well understood, was it not, that the men in Alamance County, who were charged with those outrages, were very rough material?

Answer. No, sir; many of those charged were among the most respectable people of the country. I am abundantly satisfied that in Caswell County a great many were charged and arrested who were really innocent, though I believe there were many guilty ones in Alamance County.

Question. The men who were charged with committing the outrages in Alamance County, were very rough material?

Answer. They were supposed to be so from the fact that the outrages were committed.

Question. It would be hard to class any very respectable citizens with them?

Answer. Yes, sir. The parties who did the whipping and committed other outrages in Alamance County were ferreted out; but the investigation of the murder of Stevens in Caswell County failed to give any clue at all to the perpetrators, while I think it disclosed who were the perpetrators in Alamance County of numerous other outrages. The evidence did not disclose any secret organization in Caswell County, while it proved them abundantly in Orange, Alamance, and Chatham Counties.

Question. The belief is general that the outrages were perpetrated, and that when perpetrated they are beyond the power of the civil tribunals.

Answer. That is the opinion of a great many persons; I cannot say it is universal at all. I came to that conclusion.

Question. That is your own belief?

Answer. That is my own belief in reference to the organizations as they existed in Orange, Alamance, and Chatham Counties.

By Mr. BAYARD:

Question. Have you any knowledge that acts of violence, such as whippings, and other things of that kind, have been perpetrated at any time by colored men in disguise?

Answer. Well, I have no personal knowledge. I have heard others speak of two or three instances where they believed that colored men had done it on the credit of the Ku-Klux. I have also heard an opinion expressed by men who have recognized the existence of the Ku-Klux and all its outrages, that other outrages were committed, taking vengeance upon enemies in the name of the Ku-Klux and under its disguise. I believe, myself, that there have been a number of such cases; I believe a great many outrages are charged upon the Ku-Klux falsely; it must necessarily be so.

Question. Outrages committed by parties for their own ends?

Answer. Yes, sir. Sometimes it assumes a sort of right of social regulation over notorious characters, for the purpose of punishing the keepers of low brothels in the country. Bad women have sometimes had their houses torn down by men under this sort of disguise, when really there was nothing political in it. They frequently go abroad to the world as Ku-Klux outrages when they are not such. Many, I believe, have gone abroad as Ku-Klux outrages when they were committed for a different purpose, under the guise and in the name of the order.

Question. Do you derive your information that the negroes were in disguise who committed acts of this character from republican sources?

Answer. I think I heard a republican once give the opinion that there had been an instance or two of colored persons, even.

Question. Were they committed upon colored people?

Answer. I think they were.

By the CHAIRMAN:

Question. By individuals or bands?

Answer. Well, very small bands; two, three, or four persons. Some found had existed among them, and they assumed this disguise.

Question. Then I understand the existence of the organization not only brings upon the community its own outrages, but also gives to bad men of both parties an opportunity to commit other outrages in its name?

Answer. It has afforded a cloak, and outrages by both parties upon both races have been committed in its name, I think.

Question. By individuals who use that cloak to conceal their crimes?

Answer. Yes, sir.

Question. You know of no organized movement, however, for that purpose?

Answer. No, sir; save the half dozen individuals who specially banded for that particular purpose. I state this only on the information received from others.

WASHINGTON, D. C., February 2, 1871.

GEORGE W. NASON, jr., sworn and examined.

By the CHAIRMAN:

Question. State your residence and occupation.

Answer. I reside in Newbern, North Carolina; I am postmaster and editor and publisher of the Republican and Courier.

Question. How long have you resided in that State?

Answer. I went there with General Burnside on the 14th of March, 1862, and have been there ever since.

Question. What opportunities have you of knowing the condition of the State as to the security of life and property among the people?

Answer. My opportunities are only general. I have not had an opportunity to see the Ku-Klux personally except on one occasion. I have lived in the city, and have had no opportunity to know what has been going on by actual observation as I would if I had been in the country.

Question. Have you any other knowledge than that derived from your position as public officer?

Answer. I have seen men disguised in the State on one occasion.

Question. Where?

Answer. It was in Jones County.

Question. Under what circumstances?

Answer. I was coming from Pollockville, from a plantation in which I had an interest.

Question. In the day time or night?

Answer. In the day time.

Question. In what manner were they disguised?

Answer. Their faces were disguised--masked so that you would not know who they were.

Question. Do you know what their errand was?

Answer. At the time I saw them there was a party of some six or seven disguised men; upon our approach they turned off into the woods and left. We were near enough to them, however, to know they were disguised, and from the reputation that occurred in

that vicinity directly before and afterward we were satisfied that they were done by these parties.

Question. Whatever facts you have bearing upon the question of the security of life and property in the State give them to us briefly.

Answer. I think there is very little security for property belonging to republicans there, especially if they take any active part in politics. There is danger of their property being destroyed. The general feeling toward republicans there is very bad, and I am satisfied that the Ku-Klux could not exist there a moment were it not for the countenance and aid they receive from democrats, or men who are opposed to republicans.

Question. Upon what evidence do you make that statement?

Answer. I make it from personal conversation with those men. I have heard them make statements. When those outrages were spoken of democrats would, by their talk and conversation, sanction them. They would say it was good enough for the damned sons of bitches—use such language as that. A great many remarks of that kind were made by persons sympathizing with them.

Question. Any other evidence?

Answer. General observation. These things were going on all the while.

Question. Give the names of the persons who made such remarks to you.

Answer. These are general remarks indulged in by the whole population there opposed to the republicans.

Question. What we desire is to get at the true state of things. Give us, if you can, the names of a few of the leading men who took that position?

Answer. I am sorry Senator Wilson has just left, for I wanted him to hear my statement. He was down there in 1837, I think, and at the time a prominent democrat took occasion to be introduced to him. He pretended how loyal they were, and how thoroughly they were subdued, and willing to submit to the reconstruction measures; but the sound of the train that took him from town had not died away when they cursed him the same as they did all the rest, and said they would like to have a rope around the damned old scoundrel's neck.

Question. Give us the names of some of these men; we desire to lay the truth before the country, let it help or hurt whom it may.

Answer. John D. Flaunor. His disabilities have not been removed; he has worked very hard to have them, and cursed Colonel Heaton, the member of Congress, because he did not get them removed.

Question. If there are any other facts within your knowledge bearing upon this subject give them briefly.

Answer. I do not think of them now. These things are going on constantly, and republicans have no security if they take part in politics. Their barns and gin-houses are burned. It is a common thing. A barn and gin-house were burned in Onslow County.

Question. Is that the feeling expressed by persons throughout the State?

Answer. I think it is, very generally. It seems to be the determination to run out of the State the carpet-baggers, as they term them—that is, the republicans. There are some few northern men there who are democrats; they are welcome; they are glad to see them there; but when a northern man is a republican they have a hatred against him, and desire to get him out of the place. That is the general feeling.

Question. Does this feeling find its expression among the people at large outside of those who take an active part in politics, or is it confined to men who are not active in politics?

Answer. I think nearly the whole population that are not republicans sympathize with such movements, with very few exceptions.

By Mr. BAYARD:

Question. You are editor and publisher of the Republican and Courier?

Answer. Yes, sir; I established the paper in 1837; I also established the Daily Times.

Question. Your paper acts with the republican party in that State?

Answer. Yes, sir.

Question. You speak of a gin-house and barn being burned in Onslow County; when was that?

Answer. Week before last, before I started from home.

Question. Have you knowledge of the circumstances?

Answer. The man who owned them told me since that he had abundant reasons to believe that they were burned by these desperadoes on account of his being a northern man and a republican.

Question. Did he state any facts, or simply his suspicions?

Answer. He said he knew they were burned by them. I have received some threatening letters since I have been there; I do not know who from. I do not know as it is worth while to mention them. I cannot say they came from democrats, only from the sons of them, threatening me if I dare to put forth republican sentiments as I have done; threatening my life on several occasions.

Question. Do you boldly express your opinions?

Answer. I do.

Question. And denounce these men?

Answer. I do to their face as well as their back. It don't make any difference who they are; if I think a man is wrong I tell him so.

Question. Where is this property that you own in the interior of the country? Is it a farm?

Answer. That was a leased plantation. I own real estate in Craven and Carteret Counties--in three different counties.

Question. You continue to hold it?

Answer. Yes, sir; it is my land.

By the CHAIRMAN:

Question. Were you present at what was called the Lenoir County trials?

Answer. I was there myself or my partner all the time reporting the trial. I have the report in my hand.

Question. That report is given in the President's message?

Answer. A portion of it.

Question. Are your statements here derived from information obtained in that way also?

Answer. Part of my statements are from personal observation and part from these examinations.

Question. Wherever the Ku-Klux organizations exist and outrages are committed by them, do you believe that redress can be obtained in that community through the civil courts?

Answer. I am satisfied that very many civil officers do not dare to do their duty, and in other cases the civil authorities are in sympathy with them. I know in some cases men have been arrested for these offenses and acquitted when it was almost positive that they were guilty.

WASHINGTON, D. C., February 3, 1871.

T. F. LEE sworn and examined.

By the CHAIRMAN:

Question. Where do you live, and what is your profession or occupation?

Answer. I live in Raleigh, Wake County, North Carolina, and I am the sheriff of that county.

Question. How long have you resided in North Carolina?

Answer. About six years.

Question. Has your position as sheriff of that county enabled you to ascertain what is the state of security of person and property in that county?

Answer. I think it has to quite an extent.

Question. Will you go on and give us, as briefly and as connectedly as you can, the facts which enable you to form an opinion on that subject?

Answer. From the first compact organization of the republican party in the State of North Carolina, in 1868, the feeling of prejudice against the party was very strong, and it extended to almost every part of the state, and in every business and condition of society. A man differing in political sentiment from the old inhabitants there, was to a great extent ostracised in his business, and almost excluded from society.

By Mr. BAYARD:

Question. What do you mean by "the old inhabitants?"

Answer. I mean what is called the best society in the country, the only society there of the intelligent and educated portion of our community, who were old whigs and democrats. With the exception of a few of them who came inside of the republican party, a man there who was a republican had no associations whatever; he and his family were cut off from all society.

In the latter part of 1868 the organization of the Ku-Klux was commenced; that is, the first positive information I had of it was in the latter part of 1868, and in my opinion that organization has been growing stronger from that time to this, until at the present time there is, in my humble opinion, very little security for any man, white or colored, who is a republican, to obtain justice in any capacity where he is brought before the courts there. I have myself seen a great many instances where I felt positive of that. On three occasions I know of colored persons in my county having been whipped. I know well the colored persons who were whipped. One was an old man the name of Squire Sorrell; he was whipped unmercifully, so that for five or six days he could not leave his little cabin. He then went to the neighboring magistrates of that county, and even the magistrates of that metropolitan county were afraid to issue a warrant for the arrest of three parties who were identified by him. They advised him to come to Raleigh and see me. He came there, and I saw him. The

marks of the stripes were very plainly visible on his back at the time. He was an old man, over 73 years of age. I could hardly believe that they would trouble an old man like him. I obtained the warrants from the mayor of the city, and went for the parties and arrested them. The excuse which what are called "the good people" of that section, the industrious, prosperous farmers, gave for the commission of that outrage, was that this old man was living with a white woman, a girl of about 20 years of age; that he was whipped for doing such a thing as that and neglecting a very worthy woman, his wife. They all spoke very well of his wife. Mrs. Pennington, the mother of one of those the old man identified, told me that he deserved everything that he had got for deserting his wife. I said, "Mrs. Pennington, you give a very high character to the old fellow's wife for sobriety, industry, and everything of that kind; are you aware that the band who whipped the old man made his wife strip and dance a jig for them in the cabin, and she had to jump from the window and escape from them in the darkness?" That rather set Mrs. Pennington back; she could hardly believe that. But the old colored woman swore to it before the court. She and her husband, and I think her little girl, identified those three parties; swore to them positively. One of the parties was named Pennington, one was named Sorrell, and one was named Chapoll. They were sworn to as having been three of a party of eight or ten who had taken the old man out and whipped him. When the trial came on they brought forward some fifteen or twenty of "the good citizens," so called in that community, to testify that the Saturday the old man was whipped they were some distance off, so that it was impossible for them to have been in the neighborhood when the old man was whipped; perfectly impossible, according to the evidence of the men who proved an alibi for the parties. That is the usual course in all the cases where parties are identified. They bring forward, on every occasion, a great many of what are called good citizens, to prove an alibi.

By the CHAIRMAN:

Question. Were those three defendants and their witnesses members of the organization of which you speak?

Answer. I suppose so, though I do not know positively. All the party engaged in the whipping were organized, but in the case of one of them he was recognized by his head-gear falling off.

By Mr. BAYARD:

Question. Was it in the night-time?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Do you know anything of the truth of the charge made against the old man of living with a white girl?

Answer. There was no foundation whatever for the charge. The idea of an old feeble colored man of seventy-two living with a white girl of twenty is so absurd that no man would think of anything of the kind, except those who trumped it up as an excuse for the outrage.

Question. Had anything of the kind been heard before the old man was whipped?

Answer. No, sir.

Question. To what do you attribute the failure to convict the parties?

Answer. It is very plain. A distinct alibi was proved by the witnesses, who testified that the young men were some fifteen or twenty miles away at that very moment.

Question. How was the jury in that case constituted?

Answer. In the same way that all juries are drawn in the State. The law provides that jurors shall be selected from the tax-payers of the county. The county commissioners take the tax list, and from them select those they deem competent to be jurors.

Question. That is the same in every county of the State?

Answer. The same in every county. It is the uniform law there in regard to drawing juries.

Question. What I meant when I asked how the jury in that case was constituted was whether any of the jurors were members of that organization?

Answer. I cannot tell. No man can tell that unless he is inside the organization. There was another instance of whipping a colored woman, some forty-five years of age, residing in Buckhorn Township, as we call the dark corner of our county.

Question. Can you fix the date?

Answer. I cannot fix the date exactly; it was some time in the spring of 1869.

By Mr. BAYARD:

Question. What was the date of the other occurrence?

Answer. The other was in the fall of 1869. They visited this old colored lady and whipped her.

By the CHAIRMAN:

Question. What was her name?

Answer. I cannot recall it to my memory now. They whipped her so that she was not able to go out and give any account of the matter for a couple of weeks. She then came in, and I had a warrant issued for those she identified. She identified some three or four of them; one by the name of Collins, one by the name of Barker, and one by the name of Olive—Jackson Olive. She swore positively to them. She identified the man Barker from his losing his head-gear. She recognized him distinctly, as by the light of a pine-knot they looked about the house for her husband. There was some fifty of them mounted on horses, and armed with guns and pistols. She would not tell them where her husband was, and they took her out and gave her some fifty lashes, if I remember rightly. They were looking for her husband, and said they were going to string him up if they found him. She swore positively as to them, and there was some circumstantial evidence on the trial, given by some colored men living in the neighborhood. This party stopped where they lived, and inquired the way to where the old woman lived. She lived in some pine woods, out of any direct road. One very hard-working, industrious colored man, named Jako—— (something; I forgot his last name,) said that while he could not swear positively to Barker, he was confident he recognized his voice when he inquired the way to the old lady's house. But the same course was pursued on that trial that is generally pursued in cases where any of them are brought up for trial. They brought forward some fifteen or twenty of what are called the "good citizens," and proved a very fine alibi; proved that they were all away from home, except Mr. Barker, and that he was so sick that he was unable to leave his house that night. I believe Mr. Olive was accounted for as sick, and Mr. Collins was so far away from home that it was impossible for him to have been in that locality that night. About four weeks ago, I think, somewhere about the first of last month, they visited a widow lady in the southern part of our county. They got a rather weak-minded son of hers to show them where his mother's house was, and he guided them to her house. They did not do anything more than to abuse her with words, and take everything of value that she had, telling her that was the least she could give her friends, who were trying to get rid of every damned nigger and radical in the county. A few days ago, just before I left Raleigh, I saw a colored man from Chatham County who had been whipped most numerously. He could not get a warrant from the magistrates there, for they would not issue one. He came to me, and I sent him to the United States commissioner, Mr. Shaffer, in Raleigh, to get a warrant. The colored man told me that they were having a little prayer-meeting. I think it very possible that it was a political meeting. But the colored people are now afraid to call any meeting anything but a prayer-meeting, for if it was known that they were holding a political meeting they would surely be visited by these bands. So they call most all of their meetings prayer-meetings. Some fifteen or twenty of them were holding this meeting in a colored school-house, and a band of these fellows, getting information of it, surrounded the house and captured six of the colored men, and laid on them some fifty or one hundred lashes each, I think he stated, and burned down the school-house. They told them that was the commencement of the campaign for the convention in the State, and if they did not stop holding any more meetings the next visit would be with the bullet and rope.

Question. Did you see this man?

Answer. Yes, sir.

Question. Did you see where he had been whipped?

Answer. I did not examine his back, but he could hardly walk. The whipping of those colored men and the burning of the school-house were verified by the statements of white men from that neighborhood, of whom I inquired about it.

By Mr. WILSON:

Question. Was the band disguised?

Answer. Yes, sir. Judge Reade, of the supreme court, was telling me of an outrage that happened in his county; I believe he resides in Pearson County. It was some short time ago, after the election; not over a month or two ago. He said he had information brought to him of one colored man who had been shot and killed, and two more who had been shot, but were recovering. The magistrates in that county were afraid to issue warrants for the arrest of the parties who had committed the outrage. Information coming to the ears of Judge Reade of the act, he sent for the parties who had been shot, but not killed, and issued warrants for the arrest of the persons who had committed the outrage. He said that when the two colored men who had been shot and were recovering were brought before him, they begged him not to question them at all about the matter, but to let them go and take what they had got.

By the CHAIRMAN:

Question. For what reason?

Answer. They said if they told anything at all about the matter they would certainly be killed, the same as the other colored man had been.

Question. What was the date of that occurrence?

Answer. I do not recollect the exact date; it was a very short time ago—not more than a month or two, if I recollect aright. The judge said that after a great deal of urging he got the evidence out. The expression he used was a strong one. He said, "I got evidence enough to hang twenty men. I committed the parties, and that was the last I heard of it. There was no bill found by the grand jury."

Question. Who is the prosecuting officer in that county?

Answer. I forgot the solicitor's name.

Question. What is the political character of that county?

Answer. It is democratic, by a very close vote, though. The democrats carried it at the last election by 85 or 90 votes, I believe.

Question. Who is Judge Reade?

Answer. One of the justices of the supreme court. Judge Pearson is the chief justice.

Question. Was there any bill sent before the grand jury in that case?

Answer. The judge committed the parties, and his remark was that he had heard nothing further about the case.

Question. Has there been a term of the court held there since that time?

Answer. Yes, sir.

By Mr. HAYARD:

Question. Were the parties indicted?

Answer. Of course not; they did not find a bill.

Question. Was a bill sent before the grand jury?

Answer. Certainly; the judge sent all the papers to the court.

Question. Did the prosecuting officer send up a bill against the parties?

Answer. I have no information in regard to that; I presume he has. I forgot his name; but I once heard him state that it was useless for him to send in any bills of that kind; he had sent them in so often without getting them.

By the CHAIRMAN:

Question. Do you know of any other cases of outrage?

Answer. Outrages committed in other parts of the State very often come to my knowledge. The surrounding counties to my county are democratic, and a great many colored men come to me for advice, imagining that I can give them aid. But as I see no hope of helping them, I do not charge my memory with a great many of the outrages, unless one happens to be so horrid that I cannot forget it.

Question. How many counties do you speak of in which this state of things exists?

Answer. The counties to which I more particularly refer are Orange, Chatham, Alamance, Johnson, Pearson, and perhaps some others. I have heard of a great many outrages from general report which I did not examine into myself. My evidence would be very general in regard to them.

Question. But you speak of the others from your own personal knowledge?

Answer. Yes, sir. In the county of Johnson, of which I have spoken, there was a case of outrage. There is a colored preacher now living in Raleigh who was driven out of that county, where he had been teaching school and preaching to the colored people. He told me of a case I never had heard of until he told me about it. He said he knew of a colored man who had been shot there one night, but he was afraid to tell of it there. He was given notice to leave the county, which he did, after they had burned his school-house.

Question. When was that?

Answer. Within the last six months, I guess; I do not recollect the exact time.

Question. How are witnesses treated who go before the courts or grand juries to testify in regard to these outrages?

Answer. They are generally summoned by the solicitor, in the first place, at the instance of the grand jury.

Question. Is there any intimidation used to prevent them from testifying, or is there any apprehension felt as to the consequences to them if they testify?

Answer. A great many witnesses are fearful of telling anything at all, and very often beg to be let off without giving their evidence, because they are afraid to go back to their homes if they make any disclosures. The general condition of things is such there that a man who is living in the country outside of a thickly populated town is afraid to say a word about them at all, even to mention the name of Ku-Klux. Even in my own county I have stopped at houses where the people, when I have denounced these outrages, have begged me not to say anything at all, as if the very walls had ears and could hear the remarks I made.

Question. Is there any division of public sentiment in regard to these outrages? If so, tell us who apologize for them, and who denounce them.

Answer. In some instances some of the leading members of the democratic party denounce them. On one occasion I heard Judge Battle denounce them very strongly,

and on other occasions I have heard other gentlemen belonging to the democratic party denounce them. But the general tone of the democratic party is one of apology; they say that the outrages do not amount to anything; that they are exaggerated by the republican party. That is the only issue we have there now.

Question. What do you mean by "the only issue?"

Answer. I mean putting down this Ku-Klux organization. We look upon that as our only salvation. If they are not met and displaced of in some way, there will be no living in safety in that country for any man who differs with them.

Question. Do I understand you to say that among the leaders of the democratic party there are some who denounce this organization?

Answer. I have heard some few of them denounce it.

Question. And the republicans generally denounce it?

Answer. Yes, sir; they are a unit on that question.

Question. And the only apologists for these outrages are found in the democratic party?

Answer. Yes, sir; the democratic party en masse apologize for them. In regard to two-thirds of the whippings they say that they are deserved, as they said in the case of Squire Sorrell. In two-thirds of the cases they say that the person whipped or otherwise outraged has insulted some white lady, or stolen something, or committed some offense. As soon as any outrage is committed there is always some report that comes along with it, giving some excuse for the outrage. Such things are sanctioned by most all of the democratic party, with a very few honorable exceptions.

Question. Are there any other organizations in your county, or in the surrounding counties, that lead to violence or disorders of this kind? If so, tell us what they are and who belong to them.

Answer. I have never known of any other, with a little exception. Within the last two months or so I have arrested some colored men in the western part of my county, and there has been some evidence brought out to show that some colored people there organized, first, as a means of self-protection against the Ku-Klux; and then when they could not succeed in capturing the Ku-Klux who had committed these outrages, they determined to burn down the houses of those they supposed to be Ku-Klux. And in a few instances barns have been burned, but no dwelling-houses.

Question. What is the sense of security felt by the people in the counties of which you have spoken?

Answer. They feel no security at all; they receive no protection from the local officers, and they can get none from the courts. That seems to be the general feeling. They have tried it and failed.

Question. Is there any other statement you desire to state bearing upon the general question before this committee?

Answer. No, sir; nothing directly bearing on it.

By Mr. BAYARD:

Question. You say you are the sheriff of Wake County, and live in Raleigh?

Answer. Yes, sir.

Question. When did you go to North Carolina?

Answer. With General Sherman.

Question. Where was your home prior to that time?

Answer. In Boston, Massachusetts.

Question. You went to North Carolina in 1864?

Answer. Yes, sir.

Question. How did you obtain the position of sheriff?

Answer. I was elected by the popular vote.

Question. What was your majority at the time you were elected sheriff of Wake County?

Answer. The first time I was elected I believe my majority was somewhere between 900 and 1,100 votes.

Question. Have you been elected twice?

Answer. Yes, sir. I was re-elected at the last election.

Question. What was your majority then?

Answer. It was seven hundred and some odd.

Question. You are a member of the republican party?

Answer. I am; but down there the democratic party generally give me credit for being rather a conservative republican.

Question. You have no personal knowledge yourself of this organization of Ku-Klux; you have only heard of it from the testimony of witnesses?

Answer. I saw them once.

Question. Describe that.

Answer. I was out in the western part of my county, before my last spring court, with a great many papers I had to serve there; sometimes I was out quite late at night. One night I was traveling along the road with a couple of people, those I had got to show me the by-paths, in order that I might serve my papers more quickly than

if I undertook to find the road myself. We were riding along, when a colored man came flying past us and told us to get out of the way for the Ku-Klux were coming; we got off the road and took our horses away into the bushes; I then crept up as near the road as I thought it prudent to do, and saw them go along by in very good order; they went along by two, and seemed to have a leader or commander at the head of the column, and one at the rear of it. The one at the head had on a red-striped turban, and the one in the rear had on a blue-striped turban; they went along in perfect order.

By Mr. CHANDLER:

Question. Were they all disguised?

Answer. Yes, sir; both men and horses.

By the CHAIRMAN:

Question. How many were there?

Answer. I believe I counted thirty-two of them.

By Mr. BAYARD:

Question. You spoke of serving processes through the county; had you any difficulty in doing so?

Answer. None whatever; I never found any difficulty at all in my county.

Question. Since you have been serving there as sheriff, have the courts held their regular terms?

Answer. Yes, sir; always.

Question. Has that been the case in all the other counties of which you have spoken; the counties of Orange, Chatham, Alamance, Johnson, Caswell, &c.?

Answer. Yes, sir.

Question. You say you never had any resistance to serving your processes?

Answer. None whatever.

Question. Neither by day nor by night?

Answer. No, sir; I have always served my process or arrested my man without any difficulty in my county.

Question. By what political party were the various judges throughout your State elected or appointed to office?

Answer. They were all elected by the republican party in 1838.

Question. Are their terms of office still running?

Answer. Yes, sir.

By Mr. CHANDLER:

Question. Do you mean that they were elected throughout the State, or in your county do you mean?

Answer. Throughout the State, on general ticket.

By the CHAIRMAN:

Question. The judges of the supreme court?

Answer. Supreme judges and district judges both. Some of them, when the election was held, were not accounted republicans; they were known as democrats at that time; Judge Reade, of whom I have spoken, was known as a democrat; Judge Pearson was also known as belonging to the conservative party, as it was called at that time; Judge Buxton was known as belonging to the conservative party, and Judge Cloud was also conservative; but they were all high-toned gentlemen.

Question. Was there any ticket run against them?

Answer. There was a ticket run against Judge Rodman, Judge Settle, and Judge Dick. I am pretty positive that Judge Pearson, and Judge Reade, Judge Buxton, and Judge Cloud had no opposition.

By the CHAIRMAN:

Question. Were those judges elected upon a general ticket throughout the State, or were they elected upon district tickets?

Answer. On a general ticket; the popular vote of the whole State elected them.

By Mr. BAYARD:

Question. Are all the county officers of your county of your politics?

Answer. They are, with the exception of some deputies I have in some parts of my county. Some of my county deputies are democrats; but all the elective officers of the county are republicans.

Question. The county commissioners?

Answer. Yes, sir.

Question. Those who select the names of those to be empannelled on the juries are all republicans?

Answer. Yes, sir.

78 **CONDITION OF AFFAIRS IN THE SOUTHERN STATES.**

Question. You being the sheriff, when the panel of jurors is exhausted, is it your duty to summon talesmen?

Answer. Yes, sir; by order of the judge.

Question. It is at your own discretion whom you select; the judge merely orders talesmen to be summoned?

Answer. They are generally taken from the crowd right in front of the bench.

Question. By whom?

Answer. By the sheriff.

Question. What was your rank in the Army of the United States?

Answer. Captain.

WASHINGTON, D. C., February 3, 1871.

WILLIAM R. ALDRIGHT sworn and examined.

By the CHAIRMAN:

Question. Where do you live, and what is your present occupation?

Answer. I live in Graham, Alamance County, North Carolina; I am a farmer.

Question. How long have you resided there?

Answer. I was born in that county, within three miles of the village. I am now living in the village.

Question. How long have you been engaged in business there?

Answer. I have got, I believe, eight tenants, and I run a six-horse farm myself. Before and after the war, for one year, I was a merchant.

Question. Have you resided in that county the most of your life?

Answer. I have been in the county all my life, except from July, 1867, until December, 1868, during which time I was absent on account of my health.

Question. What opportunities have you had of knowing of the existence and mode of operation in that county of an organization popularly known as the Ku-Klux? Tell us all that you know about that organization and its operations.

Answer. I was elected mayor of that village in January, 1863; I think I had been north at the springs and different places during the time I have mentioned. When I first came home I did not believe this organization existed, although I had heard of it. I was elected the mayor of my town in 1869, in January; some time in February the organization, some 75 or 100 strong, made a raid in my village, and left written notices on the porch at Mr. Harden's and Major Badlam's, notifying those gentlemen that if they did not cease prosecuting, or attempting to prosecute the Klan, they would be waited on by the organization. As the mayor of the town, and under the advice of the commissioners, I had a guard for the town, which brought the odium of the organization on me, for in that guard there were some colored men. Shortly after that Governor Holden appointed me a magistrate; complaints were brought to me of outrages that had been committed, and I was frequently applied to for warrants; I issued warrants for the arrest of several of the parties charged with committing outrages. Several of the parties were brought before me, also before Peter R. Harden, and other magistrates. They were tried in the magistrates' courts, and bound over to our superior courts. This further brought down the indignation of the organization upon me and the other magistrates who acted in the matter. They went on maltreating in different ways, and whipping in different parts of the county regularly all through 1869. I have here a list of part of them, as many as I can recollect, to which I will call attention if the committee desire.

Question. If there are any to which Mr. Harden did not call attention in his testimony, you can refer to them.

Answer. I think there are some to which he probably did not call attention. There have been some seventy-five or one hundred cases of whipping and maltreating in my county, by this organization; one colored man by the name of Outlaw, who lived upon my lot, was hung, and the only cause assigned for it was that he had fired upon the organization when they made their first raid. But that charge I know to be false. Then there was a negro by the name of Paryear, not altogether of sound mind, who saw some of this band as they were going home, and recognized them through their disguises. He told of it in town, and they drowned him. They also went for a colored man named Harvey, and whipped him, and in the scuffle his child was knocked down and injured so that he died afterward. A colored man of the name of Madison Smith had his house broken open, and he was notified to leave the county. Andy Shaffner, a colored man, was whipped for giving evidence against the Ku-Klux, and his wife was also whipped.

By Mr. CHANDLER:

Question. Severely whipped?

Answer. Oh! yes; they don't do things by the halves, there.

By the CHAIRMAN:

Question. Have you the dates of these outrages?

Answer. No, sir; I have not. Eli Outlaw, colored, was whipped. Harry Cain, colored, had his house fired into, and they came very near killing his wife. Lily Alston, colored, was whipped. Alfred White, colored; Arch Duke, colored; Don Worth, colored; James Cole, colored, were all whipped. John Overman, white, was whipped, and his head shaved. John Ringstaff, white, was whipped. John Bass, colored, was whipped. John Foust was whipped and run off, for serving on a jury.

By Mr. CHANDLER:

Question. Run out of the county?

Answer. Yes, sir; and he has never been seen there since.

Question. For serving on a jury when regularly summoned?

Answer. Yes, sir.

By the CHAIRMAN:

Question. I notice in the documents sent to the Senate this sentence: "John Bass, colored, potterized. He has recovered," &c. What does that mean?

Answer. It means that he was castrated; but I learn that was a mistake. He was whipped, but I have since learned that he was not "potterized." Amos Forshea had his house broken open, and he was whipped. He was colored. Caswell Holt, colored, was whipped in the first place, and in the next place he was shot, but he is now recovering. They visited him twice. They charged that on one occasion he had exposed his person to a white lady, which I think was altogether a mistake. They always got up some pretext or other for these outrages. In the case of Henry Holt, they broke into a house and cut a rope off a bedstead, with which to hang him, but he escaped. Another Henry Holt was whipped. William Overman, colored, had his house broken up. Levi Dickey, colored, was whipped. Alvis Pickard, white, was whipped and run off. Those who belong to this organization are very virtuous men. Some of these parties were whipped for being people of ill-fame, as was charged. They are very virtuous men, and allow nothing of that kind outside of the organization. Lizzie Elmore was whipped and run off; she was a white woman. George Rippey, colored, was whipped and run off. He had done a great deal of work on a little piece of land, and in order to get possession of what he had done they gave him a whipping and run him off, so that he lost all his labor. I know of these facts myself. Clay Thompson, colored, was whipped. Thomas Norwood, white, was sentenced to be drowned.

By Mr. BAYARD:

Question. Was he drowned?

Answer. No, sir; but the sentence was passed upon him; so they swore in their confessions. When this military movement went on, some of his neighbors swore that the sentence had been passed on him by the Ku-Klux; and he would have been drowned.

By the CHAIRMAN:

Question. Was that case examined before you?

Answer. The evidence was taken before me or Mr. Harden; I was cognizant of the affidavit that was made.

Question. Was it the appearance of the militia in the county that prevented the execution of the sentence?

Answer. I am not able to say whether it was or not. It may have been before that, for aught I know. Oliver Shaffer, colored, was whipped; Daniel Isley, white, had his house broken open; John Shatterly was shot at, and he fired in return; he was white. Chris. Ringstaff, white, was whipped; that was because he was not very virtuous. They alleged that he was whipped because his virtue was not so good as it ought to have been.

By Mr. BAYARD:

Question. How was his want of virtue manifested?

Answer. There was some idle woman in the county; I will come to her case directly. She said the young gentlemen who belonged to this organization used to visit her, and this young man interfered with them, and they whipped him in consequence. They do not allow to share out any. Polly Gappins, white, the woman I refer to, had her house torn down and she lay out all last winter in a pen in consequence of this organization, because this fellow Ringstaff and others interfered with their operations there. James Long and Bill Long, colored, were whipped and run off; William Simpson, white, was whipped and run off; he was whipped for his political sentiments. I saw him as I saw several others; their backs were severely scourged. Joseph Harvey, colored, was whipped; the child of James Harvey was killed; Alfred Trolinger, colored, was badly whipped; Alonzo T. Corliss, white, was whipped. He was a school-teacher, teaching a colored school at Company's shops; he was a northern man. Thomas Biddell, white, was whipped, for want of virtue, I suppose—that was the charge they alleged against him; Henry Sellers, colored, was whipped; Porter Mabun, colored,

was whipped; John Baron, white, was whipped for not turning out to vote; Monroe Freeland, colored, was whipped.

Perhaps I ought to explain some of these as I go along, as I do not suppose all of them have been explained. The example of this organization induced some half a dozen negroes to get up an organization on their own hook, and they went out whipping, too. They were caught the first night they were out, and they are now serving their term in the penitentiary for their Ku-Kluxing. This man Monroe Freeland was one of the men whipped by the colored men who organized.

By the CHAIRMAN:

Question. Where were they whipped?

Answer. In our county; there is no trouble in convicting a negro in our county for Ku-Kluxing, or anything else. They were caught the first night they were out, and are now serving their term in the penitentiary. Michael Freeland, colored, Henderson Cable, colored, and Jerry Isley, colored, were all whipped by that same gang of colored men. All but one of those who whipped them are now in the penitentiary; one of them was not caught. Hamilton Puryear, Harvey and Moses Albright, Lindsey Kinney, and John Albright, all colored, were whipped. Sally Holt and daughter, white, were whipped, as was alleged, for want of virtue; they did not keep a good house. John Piles, colored, had his house burned; William Hornady, white, was shot at in his own house—they came very near killing his wife; John Linus, white, was whipped and run off; Alfred Hartwell, colored, was whipped; Thomas Foust, Matilda Foust, and Rachel Foust, colored, were whipped; Leonard Rippy, white, was whipped; Alfred White and Duncan Hazell, colored, were whipped; Anthony Foster, white, was whipped; William Guy, colored, was whipped and afterwards hung—he was hung in Orange. They also visited the poor-house in Orange and whipped several of the inmates— I have forgotten what cause was alleged for that.

Question. Does that complete your list?

Answer. I believe that is about all.

Question. At what period did these whippings and outrages begin, and how long did they continue?

Answer. The first I know about them was in 1869; I was in New York in the fall of 1868; it was in 1839 that I first became cognizant of them.

Question. How long have they been kept up?

Answer. They were continued up to the time of the military movement by Governor Holden; there have been some few whipped in my county since then; not very many. But they still went on in Chatham and Guilford; every day or two I heard of some outrage being committed there by the organization.

Question. What effect had the appearance of the military ordered there by the governor?

Answer. It intimidated them very much for the time. If it had not been for Judge Brooks releasing them under the writ, we would have got the whole of it out.

Question. What do you mean by getting the whole of it out?

Answer. The members of the organization would have confessed to the outrages; we would have got evidence of the assassination of Stevens and Outlaw, and of every other crime that was committed in the county, that they could not have got over—that would have convicted the parties in any court. That is what I mean.

Question. Were confessions being made out at the time the first writs were issued by Judge Brooks?

Answer. Yes, sir. They were being made constantly. There was such a rush upon me that I had to hire a clerk to write them down. I sent out some forty or fifty myself to the governor.

Question. Were any made after the writs were issued?

Answer. Not one. There is an affidavit made in regard to myself, by a man some fifty years of age, and of as good standing as any man in the county. (President's Message, Ex. Doc. No. 16, Part 2, page 2.)

Question. That is the affidavit of Mr. Bradshaw?

Answer. Yes, sir.

Question. Was that made before you?

Answer. Before my nephew, the clerk of the court, Wm. A. Albright.

Question. Do you know about the facts?

Answer. I know that the night the negro Outlaw was hung they came to my gate and left notice that if I did not cease denouncing the Ku-Klux organization they would hang me.

Question. I see this statement made by this man, W. S. Bradshaw: "I had information from John R. Stockard, who came to my house and told me that there was a plot to assassinate W. R. Albright, and told me to do all I could to stop it. We talked the matter over, and he informed me that James Bradshaw was one of the leaders, in connection with which was one Joseph B. Thompson, Milton Thompson, Dick Thompson,

Mike Thompson," and others. Did any other facts come to your knowledge as to the conspiracy to assassinate you?

Answer. Half a dozen other affidavits to that effect.

Question. Had you any conversation with this man Bradshaw who made the affidavit?

Answer. I was present and had a long conversation with him; also with Mr. Stockum.

Question. What was the motive given for the plot to assassinate you?

Answer. Because I was a man of some influence in my county, was a republican and a property holder, and they said I ought not to go with the republican party.

Question. Did you understand where that plot was considered and adopted?

Answer. It was at a meeting of the Clan; they met in the woods, in school-houses, and at other places.

Question. Did Bradshaw make the statement to you that the proposition to assassinate you had been made at a meeting of the Clan?

Answer. He did, sir; and not only he, but half a dozen others.

Question. Had anybody been detailed to carry it into execution?

Answer. Those men were to carry it into execution. That fellow, Mike Thompson; his father was a tenant of mine, and lived on my land at the time. These young men, I did not know half of them personally.

Question. From the revelations made before you upon oath and otherwise, is there any doubt as to the existence of that organization in that county, and as to its members being bound together by oaths, which required them to commit murder and assassination, if necessary to accomplish their purpose?

Answer. None in the world; it is not denied publicly; they boast of it.

Question. Owing to this fact having become known, what is the feeling of the people there as to the security of their persons and property?

Answer. We sleep on our arms every night; I speak for myself and a few others. I employ several hands, and pay them extra just to stay about my house of nights. I am not so much afraid at present of being assassinated by the mob, as I was when it was in full blast. I have been threatened again and again with being way-laid and assassinated, and I am more afraid in that way. That is the most fear I have now. From what information I have, I think the organization is reorganizing. Several of the best men that belonged to it, some half a dozen of them, have come out and stood up in opposition to it, which has broken it down, to some extent, in my county. Mr. Bradshaw and Mr. Boyd have taken a stand against it. I think it was fortunate that there were some good men in the organization; if there had not been, there would have been a great many more crimes committed than there were. I am satisfied that my life was preserved from the fact that I had some personal friends in the organization.

Question. Did you give it as your belief that since the military have been withdrawn the organization is reorganizing?

Answer. I have been informed by a party who has been approached by a reliable man who was a member of the organization—that they were reorganizing, and he refused to join it again.

Question. For what purpose?

Answer. It is on the same principle as before—merely to change the signs, grips, and passwords, so that those members who have withdrawn from the order will not be able to detect them.

Question. What is your belief as to the truth of that statement?

Answer. I believe it to be true; I have no doubt about it.

Question. What is given out as the ultimate purpose of the organization?

Answer. Well, sir, they design to overthrow the reconstruction acts down South.

Question. By what means?

Answer. By intimidating and whipping prominent men who accept the situation of affairs, if that will accomplish it; if not, by assassination. That is their object—to whip us and drive us out of the country. I have been threatened openly. I took an active part, I am frank to admit, in putting down this organization; I have done all I could, feeling it to be my duty as a freeman, and for that I am to be murdered, assassinated; my property is to be swept from me, and I am to be driven from the country. Such is to be my fate if I go on, and not only mine, but the fate of other good men.

Question. After those writs of habeas corpus were issued by Judge Brooks, were any applications made to you to get back the confessions made?

Answer. Not to me, but there was a magistrate in another township, ten or twelve miles from me, that I got to take some affidavits in his part of the country. He took twenty-three. Some of these parties went to him and demanded that the affidavits should be delivered back to them. He came to me to know what to do. I told him if he did not bring me the affidavits I would report him. I got the affidavits, and sent them to the governor.

Question. Were there any applications made for your photograph, so that you could be recognized?

Answer. They did not need any. I am known all over the State as Red-eye Bill Albright. I have a copy of the Sentinel of January 30, 1871, edited by Josiah Turner. It contains a little article referring to me, which shows the state of feeling:

"GONE.—A gentleman from Greensboro writes us that Red-eye Bill Albright and Jim Baird, with others, passed last night for Washington City. We learn that 'my son Joe' and Fat Douglas have caused the Senate committee to summon detective Boshier also as a witness. Kirk and Burgen are reported as being in Washington, ready to go before the committee. What an outrage on decency and humanity!"

This is also another article in the same paper, written from Caswell County by a prominent man there:

"PEA RIDGE, CASWELL COUNTY,

"January 28, 1871.

"EDITOR SENTINEL: I have just read your editorial on 'Reconciliation,' and it pleases me so well that I take this opportunity to indorse every word and sentence of said editorial. The only objection to 'Reconciliation' is that it does not cover all of the small puppies that follow in the wake of Phillips and Grison.

"When Kirk was in this county with his land pirates, and had such ours as Red-eye Bill Albright hunting down our good men; when the lives of Roane, Wiley, Kerr, and others were in jeopardy; when every nerve of the good citizens of our county was stretched to the fullest extent to protect them, knowing they were innocent, we had, in the county of Caswell, some few men (very few, thank God;) that stood by in perfect ease and quietude, and chuckled in their sleeves at what they thought was popular with the niggers and deserters of Caswell County.

"Now, sirs, would it be right in our people to give such men position? Not and by the Eternal God, we will always hate them as we do the murderer, as he steals into our home circle to carry off one of its inmates. Can Phillips and Pearson expect a Wiley, a Roane, or a Mitchell to ever forgive them, when Pearson tried to lead a witness, in the court-house in Raleigh, to take their lives when innocent? We cannot, and we will not, so help us God! Did they show any mercy to the innocent? No; they are guilty; so let us remove them from any position they may have, by fair and honorable means. But, sirs, if the people of North Carolina ever give them any other position in their halls of legislation or upon the judicial bench, we ought all of us to be hung up by the neck, and not our thumbs.

"Let justice be done, though the heavens fall.

"Yours, truly,

"SAM."

I will state that the only time I was in Caswell County was when these men were arrested by Kirk. Mr. Boyd told me if I would get his release he would make a frank confession of all he knew. I went to the governor and got an order for his release, and then went to Caswell County to get him released. I staid there one day and one night. It was the only time I ever set foot in that county, and I did not speak to half a dozen citizens in that county. I refer to this to show the injustice in regard to myself.

Question. Have the Ku-Klux organization, or the members of it, ever made any acknowledgment to Judge Brooks for his services in releasing them?

Answer. They cheer and laud him to the skies, and Judge Brooks has sent out his photographs to some of the members of the organization in our county. I have not seen it, but Mr. Boyd tells me he has.

By Mr. BAYARD:

Question. This is James E. Boyd you refer to?

Answer. Yes, sir.

Question. You are intimate with him?

Answer. Yes, sir.

Question. He was your regular counsel?

Answer. Yes, sir.

Question. Do you know whether he is in any way counsel for Governor Holden in the present impeachment trial?

Answer. He is not retained, I am satisfied. Governor Holden has no counsel only what have been published here.

Question. Do you know the fact whether he did retain Mr. Boyd by a retaining fee in that case?

Answer. Well, he retained him during the time of the military movements as counsel to bring out their confessions and prosecute. He retained him then, not since. I know the fact that they had some unpleasantness about the matter, and he is no longer his counsel.

Question. What was the amount of the fee?

Answer. He got \$250, but claimed \$500. It was for prosecuting the Ku-Klux. I will say that all we need in our county is for the people, democrats and republicans, to

know the situation of affairs, and all good men to use their influence to put it down. We want nothing else under the high heaven.

By the CHAIRMAN:

Question. Did you hear a speech made by Mr. Turner, editor of the Sentinel, previous to the election, in December, 1870, with regard to negroes?

Answer. I did not, and the reason I did not go to hear it was, the public mind was inflamed, and I feared if I went I would get into a difficulty.

Question. We have heard from another witness what he was told about it.

Answer. There is no doubt of its being so.

By Mr. BAYARD:

Question. Do you remember reporting to Mr. Harden the purport of Mr. Turner's speech as it was reported to you?

Answer. I do not recollect that I reported it to him; I heard several persons who heard it speak of it, and I probably spoke with them in Mr. Harden's presence.

Question. You did not hear the speech yourself?

Answer. No, sir.

By the CHAIRMAN:

Question. Do you know whether the sheriff of Alamance County ever had any connection with the organization?

Answer. According to the evidence the sheriff was connected with it, and every deputy; we got the confessions.

Question. What notices have been put up in your county of a threatening character?

Answer. The last one was in December, at Company's Shops, notifying Albright and Harden that they would go up shortly. Going up means hanging. James G. Moore took it down and had it in his possession.

Question. What have been the sentiments of the leading men of the two political parties in regard to these outrages?

Answer. The republican party denounce it and the democratic or conservative party, as a party, either defend it or encourage it; though there are some few men in the democratic party who denounce it—but very few. As a body it is a political issue. And let me say that if these outrages are not stopped there is no law-abiding man, regardless of his politics, who can live with safety in our country.

By Mr. BAYARD:

Question. What remedy do you propose?

Answer. I do not propose any; I leave that to wiser heads than mine. These cases have been brought before the civil courts. We have bound over some 25 or 30 of the parties, and they have always proved an alibi. The sheriff belongs to the organization, and so do his deputies; they always hang around the courts to get on the jury, and they can prove an alibi at any time.

Question. Is there no legal method by which trials can be changed to another place, by a change of venue?

Answer. No, sir; that has been tried. In our community, where two-thirds of the white population either belong to the organization or are in strong sympathy with it, you cannot convict them. Why, some of my own brothers would rejoice in my assassination. I have three brothers; two of them belong to the organization, and my oldest brother is too old and afflicted to join it, though he is in sympathy with it. Every one of my brothers-in-law belong to it. One of them, an officer, made confession. Even my father-in-law, who is sixty years of age, joined it. I have not lived in security for the last two years.

Question. As a magistrate, have you found that there has been any molestation of officers serving processes in the county?

Answer. None in the world. Of course, the officers are all members of the organization, and then it is no trouble to bring them out, but to convict them is another thing.

Question. Are the constables all members of it?

Answer. Not quite all; you may serve process, but you cannot execute anything.

Question. Can you make arrests through the county?

Answer. Of course; they have no objection to arrests, because they are sure of acquittal.

Question. There is no obstruction to arrests?

Answer. None in the world, but you cannot convict a single man. There has never one been convicted in the State that ever I have heard of. In my county there have been over a hundred crimes committed, and not one of the parties convicted.

Question. Are negroes summoned on juries?

Answer. Yes, sir, a few; not many.

Question. Have you ever seen jurors summoned in the United States courts there?

Answer. No, sir; never have been present.

Question. You have no knowledge what proportion of negroes are summoned upon juries in the United States courts?

Answer. I have not.

Question. What proportion of negroes to whites are summoned in your county?

Answer. I suppose about one-eighth or one-tenth in my county. This thing is not so bitter in some parts of the State as it is through my part. I never had any connection with politics, only in 1864 and 1865. In 1864 I ran as a peace candidate for the legislature. In 1865 I was nominated for the convention and was mobbed or attempted to be mobbed. We had an election, and a couple of old politicians attacked me and I whipped them both; so then they got a mob on me and cleared me from the polls. I claim to have been as consistent a Union man as there was in North Carolina during the war, who was a slave-holder. I never had any fear of assassination all during the war; never till within the last two years in my life have I entertained any fear of assassination.

Question. Had you ever any personal assault made on you?

Answer. I have been threatened constantly. You cannot get one of those men to attack me by himself alone—only when they get a crowd of a dozen or two to back them. No man in Alamance County that belongs to that organization can be got to attack me as a man, open, face to face, and give me a fair showing.

Question. Have they ever attacked you in numbers?

Answer. Yes, sir.

Question. What have they done?

Answer. They attacked me at Gibsonville. I was a delegate to nominate a candidate for Congress, and there was a dozen of them attempted to attack me. I drew my pistol on them and told them the first man that laid his hands on me would die; and they backed. That was in open daylight.

Question. When was that?

Answer. Last June, 1870. Men have attempted to attack me time and again; swore they would whip me; but I kept very cool and quiet, and so they kept their hands off me. I always go peacefully well prepared for the gentlemen, and I would just like to see one of them attack me separately as a man. I have no hesitation in saying I have done my best to break them down. I have denounced them on all occasions, publicly and privately, as an outrage upon the community. I have said this to them—there are some reasonable men in the organization—"If you can show me one particle of good that can be derived from this thing to us peculiarly, then, gentlemen, I will entertain you." It depresses business; our property is worth nothing. All I have got in the world nearly is land; I can get nothing for it. A stranger is not going to go into a country where there is a band of marauders riding at night.

Question. Do you know any cure for this except in a change of public sentiment?

Answer. Yes, sir.

Question. State your cure.

Answer. There is but one way to cure it, and that is, convict these men who have committed the crimes. That is the cure, nothing short of it. Let them fear the Government and then they will respect it.

Question. Have you had any personal injury inflicted upon you by these people?

Answer. No, sir.

WASHINGTON, D. C., February 3, 1871.

THOMAS SETTLE SWORN and examined.

By the CHAIRMAN:

Question. Please state your residence and occupation?

Answer. I reside in Rockingham County, North Carolina, at Douglass Post Office. At present I am one of the judges of the supreme court.

Question. How long have you resided there?

Answer. I was born and raised there.

Question. Please state your knowledge derived from your official position and from information of any facts bearing upon the security of person and property in that portion of the State with which you are acquainted.

Answer. All that I know has come to me in my official capacity. I have never seen any of those raiders out, but some men have confessed to me that they were members of the organization.

Question. What organization?

Answer. What was known as the Ku-Klux, generally. The White Brotherhood was the first. Some twelve months ago certain members communicated to me the fact that that was the real name. Ku-Klux Klan was the general name they went by, but the real name twelve or eighteen months ago was White Brotherhood.

Question. Were these confessions made to you in your official capacity?

Answer. No, sir; not as confessions. One of them sent me word by others, and afterwards asked me if I had received his messages, and then we had a conversation in which he affirmed it.

Question. State any facts that you know, bearing on the question of the security of person and property in your section of the State.

Answer. The first case that came to my observation was one in which I issued a warrant for murder. A colored woman some eighteen years of age was killed in the county. The coroner proceeded to hold an inquest, and after proceeding a day or two he came to me for instructions. He was not acquainted in the part of the county where the killing occurred, and he found that the father of the accused was foreman of the jury of inquest, and he was at a loss to know how to proceed. I told him it would make no difference in that case how he proceeded, and that he might as well discharge the jury. The next day a party applied to me and I issued a warrant. The name of the deceased was Mary Lomax. She and others were sleeping in a cabin. There were two beds in it. The usual manner of attack when these men approach a house was to fire a volley into the house through the door. On this occasion some half a dozen pistol shots were fired through the door. At the same time some of the party struck the door and half opened it; some of the balls struck the door as it stood open and glanced and struck the woman who was lying in the bed in the head. I suppose she never woke up; it went through her head, and she was found dead in that position. Some of the parties were identified, and I bound over two of them to court to answer the charge of murder.

Question. What were their names?

Answer. Slumpson and Barham. The manner of identification was somewhat singular. One of the men had lost several of his fingers. After shooting one negro, they took several others and whipped them. There were some fifteen in the company; three of them ran into the cabin and commenced to beat on the beds; they beat on the dead body of this woman, not knowing, it was supposed, that she was dead. Then they took the negro man out, the husband of another woman who was in the house. It was a bright moonlight night. The negro felt a peculiar pressure on his arm, and, looking down, he discovered Barham's hand. He had worked on a farm with Barham two or three years, and knew of his having this peculiar hand; that, together with the size and voice, which he recognized also, was the means of identification. There was no bill ever found.

Question. Was there a bill sent before the grand jury?

Answer. No, sir; the principal witness, I think, disappeared. I never saw nor heard of the man who was whipped afterward. I understood he left the country.

Question. Could you understand for what reason he left?

Answer. No, sir; I learned, as coming from the former clerk of the superior court, that he had taken some pains to keep the number of whippings and outrages in the county of Rockingham, and I think he said there were 62.

Question. Within what period?

Answer. It was about eighteen months since.

Question. Do you mean to say they cover a period of eighteen months?

Answer. It has been about eighteen months since any occurred in that county; but I have heard since I left that there have been some recent raids in one end of the county. I have been in Raleigh for six weeks past, at court, and I do not know how that may be. Then I issued another warrant for some parties. Two magistrates had issued a warrant for parties charged with whipping an old negro man over 70 years of age, very feeble and partially blind. The magistrates attempted to make an investigation. Some 70 or 80 men gathered around at the trial, and made such a disturbance that the magistrates were very glad, as they told me, to make a compromise to keep the man safe. This I learned from a county officer. The negro then applied to me for a warrant, and I issued it, and had the same parties brought before me. I was satisfied with the identification of two of the party—there were fifteen of them—and I bound over the two to answer the charge; but there was no bill ever sent in. This offense was even more shocking than the murder. They took this old man, stripped him perfectly naked, and gave him some fifty stripes with switches. Then they took his two daughters who were living in the house, stripped them down to their chemises, and whipped them. Then they took a young negro man who was in the house that night and whipped him, and compelled him to go through the form of sexual intercourse with one of the girls, whipping him at the same time. There were no prosecutions.

Question. Where was this, and when?

Answer. In my own county, Rockingham, about eighteen months since. After the issuing of these warrants they stopped in a measure; but there has never been any punishment for a single offense in the county. Another instance occurred where there was something said about voting. They went into a cabin where there was a little, deformed, hump-backed negro, by the name of Watt Richardson, and they whipped him severely. He came to my house, and as I had to leave, I sent him to some magistrates, who had warrants issued. But the parties were never punished. They whipped this little negro, and then commenced whipping another negro and his wife. Seeing them draw some pistols, the woman began to cry out murder, and make a great noise. There was a large fire burning on the hearth, and one of the men seized a chunk of

burning wood and thrust the firebrand down her mouth. They said it was six weeks before the woman recovered. The information came to me from the husband and other negroes. There was one other case. They went to another house of an old colored man named Lindsey Poindexter. This was in a different part of the county. These different cases occurred some ten or fifteen miles apart. They fired into the cabin of the old colored man, as usual; the shot struck him in the toe, and took one of them off. He jumped up, and succeeded in getting away. It was dark, and he ran off. They then went to the fireplace, and picking up the contents of it, threw them into the bed, where his wife and little children were. The woman and children jumped out as quick as they could; being a straw bed it caught fire, and the house and everything in it was burned up. These were the most aggravated offenses. A great many more were whipped terribly; they came to me and showed their scars. In many instances they did not pretend to make any identification. Most of them failed for want of identification. The disguises are very complete. I can state, if it is desired, something that has occurred since the August elections, as related to me by my brother, Judge Reads, of the supreme court.

Question. If it bears on the general subject, give it.

Answer. Judge Reads informed me the other day, in Raleigh, that a party went to several cabins on one of the plantations in Pearson County and shot one negro dead, and also shot two others, who recovered, and whipped several others. The two who recovered were badly shot. The men who did these things said that heretofore they had only whipped, but that it was going to be changed, and for the future they were going to kill. The judge sent for the witnesses—in fact for the whole neighborhood—and he told me that when he brought them up, it was with the greatest difficulty they could be got to testify. They asked to be let alone; they preferred to submit to the treatment they had received rather than run the risk of telling it. I give these as specimens of the worst cases that have come under my observation.

Question. What has been the effect on the public mind, with reference to the security of person and property, of these outrages, and the difficulty in the way of punishment?

Answer. Well, sir, I suppose any candid man in North Carolina would tell you it is impossible for the civil authorities, however vigilant they may be, to punish those who perpetrate these outrages. The defect lies not so much with the courts as with the juries. You cannot get a conviction; you cannot get a bill found by the grand jury, or, if you do, the petit jury acquits the parties. In my official capacity I sit with Judge Pearson and Judge Dick. Judge Pearson issued a bench warrant last summer for some parties, and had them brought before him at Raleigh. He requested Judge Dick and myself to meet him. We did so, and the trial extended over three weeks, and there it came to our knowledge that it was the duty and obligation of members of this secret organization to put themselves in the way to be summoned as jurors, to acquit the accused, or to have themselves summoned as witnesses, to prove an alibi. This they swore to; and such is the general impression. Of course it must be so, for there has not been a single instance of conviction in the State.

Question. Upon investigation made before you in your official capacity, have you any doubt that a state of things exists requiring men to shield themselves in the way you have mentioned?

Answer. None whatever. I am satisfied, from their own declarations and from the effect visible in all the courts, that it is so.

Question. Where they are charged with offenses, is there any probability of securing justice against them in counties where the organization exists at all?

Answer. Well, sir, my belief is that the organization extends to every county in the State. I am satisfied that the organization is a very extensive one. I have no doubt it is much more numerous in some counties than others, and I believe the middle or Piedmont region of the State is the chief nucleus, and that there the outrages have been the most numerous.

Question. Does that include Alamance County?

Answer. Yes, sir; it includes the counties of Alamance, Orange, Moore, Chatham, Rockingham, Caswell, and Person.

Question. What is the expression of public sentiment with reference to these outrages? Is there any division; and if so, how is the sentiment divided?

Answer. Well, sir, a great many of all parties condemn the outrages, but, strange to say, a great many of our best people seem to think that it is right. They say, if it was not for the Ku-Klux, they could not have anything in their corn-cries or smoke-houses, and that the Ku-Klux are their only protection. I have heard of some of the first ladies in the State using these expressions. A great many say they thank God that the Ku-Klux are there, or use such expressions as that.

Question. Is it your belief that the organizations are encouraged by the idea that they have the support of either of the political parties, as a party?

Answer. Well, sir, I cannot doubt the fact that all the members of it that we know of have been found of, belong to one party. I should think you would believe that all of the same party were members of it, or even supposed to be in that manner.

do not. I believe the most efficient aid I had in Rockingham County, in stopping this thing, eighteen months ago, came from a democrat. I think the speech of Governor Reid, who is an ex-Senator of the United States, had more to do with stopping it than anything I did.

By Mr. HAYARD :

Question. Was he a democrat ?

Answer. Yes, sir; a leading democrat of the State. He denounced the movement, and told them they would put every man's life and property at the mercy of the mob if persisted in. But he is an exception.

By the CHAIRMAN :

Question. Give us your belief as to the true position of the political organizations with reference to this organization.

Answer. Well, sir, I must think that the present democratic party there, judging from the circumstances, are encouraging it. I do not think it is accidental. In the course of our investigation last summer it leaked out in the testimony that Hamilton C. Jones, present member of the legislature, gave the signs of the Invisible Empire to James E. Boyd, who was then a democratic candidate for the house of commons for Alamance County. Dr. Moore, also, who had been a member of the previous house, gave the signs of the Invisible Empire. Mr. Boyd had belonged to the White Brotherhood, and this was a new organization to make it more compact, it was said. After Dr. Moore had given the signs to Mr. Boyd they walked down to the Yarboro Hotel and went into the room of Colonel Jones, who also gave Mr. Boyd the signs. It was not proved that they were members, but Mr. Boyd said in his testimony that Mr. Jarvis was in the room when Hamilton C. Jones gave him the signs. It was further stated by Mr. Boyd that he learned from Dr. Moore that Frederick N. Strudwick, a grandson of a former chief justice, Frederick Nash, was on his way to assassinate Senator Shoffner, who had introduced the stringent militia bill. Well, at the next session of the legislature, Mr. Jarvis was made speaker. He is speaker of the present house. No person swore positively that Mr. Jarvis was a member of the organization, but Mr. Boyd swore that Dr. Moore informed him that Jarvis was a member, and that Jarvis was in the room when Jones gave the signs. Mr. Jones is a prominent member of the Senate, and Judge Warron, who is presiding officer, being in feeble health, Mr. Jones frequently presides in that body. It is notorious that the resolution of impeachment of Governor Holden was passed in caucus. Mr. Strudwick was charged with introducing, and did introduce, the resolution. He was also prominent in bringing forward a bill, which passed and became a law forthwith, to repeal the act which had been passed, introduced by Mr. Shoffner. I draw from these facts the inference that the legislature must be controlled by those men who were honored by the party, and who were elected last summer as members of the party, and I think that is the general opinion.

Question. Do I understand you, then, to say that the weight of what is known as the conservative or democratic party at present gives encouragement to this organization, and that those of that party who denounce it are exceptions ?

Answer. Yes, sir; that is the general opinion there.

Question. Are there any other members of the legislature who were shown before you to be members of the organization ?

Answer. No, sir; I do not know that there were. There was no direct evidence that Mr. Jarvis belonged to it, only that the others told Mr. Boyd that Mr. Jarvis was a member, and that he was present when Mr. Jones passed the signs to Mr. Boyd.

Question. Did your investigation disclose the existence of any other secret organization there which led to any disturbance of the peace ?

Answer. Well, in the cross-examination they introduced all the evidence they could in regard to all the secret societies in the State. They brought forward the ritual of the Union Leagues, proved it, and offered it in evidence. Able counsel represented both sides. Then there was argument and reply. It was stated that a great many outrages were committed in retaliation for the burning of barns and for stealing. That was the excuse set up. They charged that they were done on the one hand by the Union Leagues.

Question. Did any evidence before you disclose the fact that any such wrongs had been directed by the Union Leagues to be committed ?

Answer. No, sir; I saw no evidence that implicated any movement on the part of any of the Union Leagues. Nothing of that sort. In fact, it was proved that the Union Leagues met openly, held their parades openly, and moved without any secrecy, though they had secrecy in regard to their signs.

Question. As the result of your investigations, what is your belief as to the cause of these disorders and outrages ?

Answer. Well, sir, I have no doubt it is the sentiment of the old war feeling engendering a bitter state of feeling about the loss of slavery—the bitterness that sprang up during the war. That is alleged on their part that Congress has been pro-slavery.

and has not measured out to them the justice and liberality that they expected. That gives them an excuse for their bitterness.

Question. Do they complain of the reconstruction acts?

Answer. They did for a while; they opposed them very bitterly as a party; but of late, in their resolutions, they subscribe as a party to the reconstruction acts. But of one feature of these acts they still complain very bitterly, and that is, the disabilities resting on a portion of the community.

Question. The constitutional disabilities imposed by the fourteenth amendment?

Answer. Yes, sir.

Question. Does the state of things you have been speaking of prevail throughout the State?

Answer. There are some portions of the State where I think they have been free from any disturbance. It is understood that in the eastern portion of the State, in Lenoir and Jones and the adjoining counties, there were a great many disturbances. In the northern, or Albemarle portion of the State, I do not think there have been any disturbances, and probably there have been but few in the extreme west; but the central portion of the State has been the theater of most of the outrages.

Question. In those portions in which they have prevailed do you believe the civil tribunals are adequate to secure justice to the people who have been wronged?

Answer. No, sir; I have no idea that they are; and I believe it proceeds from a defect in the juries. I have seen the circuit judges and the solicitors; I have known of their sending bills and endeavoring to execute the law; but the defect came from the jury, first in not getting bills found, or, if found, in not getting a conviction. In every case that I have heard of being tried they have proved an alibi. A whole neighborhood is brought in to prove it, and they do it so satisfactorily that it would be a singular thing for a jury to find the party guilty. They give a jury ample ground for their verdicts of acquittal in every case I have heard of.

Question. Were these injuries inflicted, as a general rule, on persons of one party or of both political parties?

Answer. I have never heard of any other than a republican being outraged. Well, I have heard of some barn-burnings, things of that sort. I do not think I have ever heard of any whippings, but barn-burnings and larcenies; but these were without regard to parties; they would steal from one as well as another.

Question. If there are any other facts in your knowledge which bear upon the question of security of person and property, please give them.

Answer. I do not know of anything further than the fact that I am satisfied the law cannot be executed, from the fact that in not a solitary instance out of the many hundreds of outrages that have occurred has there been a conviction.

Question. The trials for these offenses would not take place in the court over which you preside?

Answer. No, sir; we simply sit as a court of appellate jurisdiction upon questions of law—no jury trials.

By Mr. BAYARD:

Question. I understand you to say that all these cases of gross outrages but one were committed eighteen months ago?

Answer. Yes, sir.

Question. And that one was mentioned to you lately by Judge Reads?

Answer. Yes, sir.

Question. Were there any causes given for these assaults upon these people?

Answer. Well, no, sir.

Question. Were they or not charged with having committed assaults upon women, or thefts, or indecent exposures, or keeping houses of ill-fame, things of that kind?

Answer. Well, there have been sometimes suggestions of that kind made, but in the cases that came before me there was never any proof.

Question. It was all on one side in the cases before you, was it not?

Answer. No, sir, I took a wide range as a magistrate and went into the whole matter. In the case where the negro woman was killed, I think they said there had been a difficulty between the negro man they were looking for and another negro, and the defense was that the Ku-Klux did not kill the negro, but that he was killed by some other negro with whom he had had a difficulty.

Question. Have you known any cases of negroes caught in disguise?

Answer. I have heard of some in Alamance County; they are now in the penitentiary for it.

Question. Had you no convictions of negroes for Ku-Klux?

Answer. Yes, sir, those in Alamance County.

Question. How many were there?

Answer. I think there were three convicted.

Question. Were there more apprehended?

Answer. Not that I am aware of. I got this information just as I did a great deal of the other, from report.

Question. You know it in the same way, by information?

Answer. Just by information.

Question. Do you recollect a case of a man named Parsley?

Answer. Yes, sir; he was one of those sent to the penitentiary.

Question. Who was he?

Answer. A negro, living in Alamance County; I learned, mostly from the Sentinel, that he was a preacher, and that he went out with some others in disguise as Ku-Klux to take vengeance on some other negroes, and whipped them.

Question. Were they convicted of whipping some of their own color?

Answer. Yes, sir.

Question. Before whom were they tried?

Answer. Judge Tourgee.

Question. Do you hold the circuit court?

Answer. No, sir.

Question. You hold the supreme court?

Answer. Yes sir; I am associate justice of the supreme court. We have no jurisdiction of jury trials, but we have large jurisdiction as peace officers.

Question. How long have you been on the bench?

Answer. Since July, 1838.

Question. How are you elected?

Answer. By the people.

Question. What counties does your circuit embrace?

Answer. The whole State. I was solicitor for nine years of the 4th circuit, which embraces twelve counties. When I left the solicitorship I went upon the bench.

Question. By what party were you elected?

Answer. By the republican party.

Question. In Rockingham County what is the cast of party politics?

Answer. It has been fluctuating. It has always been a county on the balance. Last year it was in the hands of the republicans; now it is in the hands of the conservatives.

Question. For the two years preceding last August, in whose hands was it?

Answer. In the hands of the republicans.

Question. Were all the county officers members of that party?

Answer. I think they were.

Question. The county commissioners, too?

Answer. Yes, sir.

Question. Under your system, I believe, they select the juries?

Answer. Yes, sir.

Question. The sheriff was elected by the same party?

Answer. Yes, sir.

Question. Have you been present at the elections during the last two years?

Answer. Yes, sir; have been at the polls.

Question. Have the elections been reasonably orderly and quiet?

Answer. Yes, sir.

Question. No intimidation?

Answer. None that I observed.

Question. In regard to the execution of process, can the officers of the law make what arrests their processes require without resistance?

Answer. Yes, sir, they have had no resistance; it has been a matter that they have commented on, the fact that they could be arrested anywhere.

Question. No obstruction?

Answer. None at all; not as a general thing; perhaps there have been some instances.

Question. Are you aware, yourself, of any molestation of officers of the United States or of the State in serving process?

Answer. No, sir.

Question. Would you state it as a fact that it is perfectly practicable for the United States civil officers to serve process and arrest a prisoner all over the State?

Answer. Well, I should say not in certain portions of it; not however with regard to those matters so much as revenue matters. I have heard of resistance and danger to United States officers, growing out of the revenue.

Question. Was that in respect to the collection of the tax on spirits?

Answer. Yes, sir; I have heard there is some danger in that, and I imagine there is.

Question. You mean in regard to the seizure of illicit stills?

Answer. Yes, sir; with some officers traveling to certain districts.

Question. With those exceptions do you know that it is perfectly practicable to serve process throughout the State by an unarmed official of the United States?

Answer. Yes, sir; I think there would be no difficulty in serving process.

Question. Do you know whether there is now a proposition before the legislature to hold a new State convention in North Carolina?

Answer. Yes, sir; there is such a measure now pending before the legislature.

Question. What is the bill—to provide for an election of delegates?

Answer. Yes, sir; I suppose it has passed both houses. There are some little amendments and probably a disagreement and a committee of conference. It proposes to hold the election on the 30th of March.

Question. You have spoken of Mr. Jarvis, present speaker of the house of representatives of North Carolina, as being a putative member of this secret organization, the Ku-Klux; is your means of knowledge of that fact derived from Mr. James E. Boyd's statement?

Answer. Yes, sir; it is just what was to be seen in the published evidences. I have no proof of it further than the declarations of Mr. Boyd.

Question. Mr. Boyd has been examined here and his declaration was that he had been informed by others?

Answer. Yes, sir; he stated, however, that he was in the room when the sign was made to both the other parties.

Question. Do you know the amount of bail required of Mr. Boyd at the time of his arrest, by Governor Holden?

Answer. I do not; I do not suppose he had any right to take bail.

Question. Do you, or not, know that \$50,000 was required?

Answer. I do not know what the amount was. I understood he was bailed.

By the CHAIRMAN:

Question. Bailed for what?

Answer. He was under military arrest and he came down to Raleigh, as I understood, and was discharged by the governor taking some bond for his appearance.

By Mr. BAYARD:

Question. Do you know enough from his statement, or from that of Governor Holden, to state whether the price of his discharge was the divulging of his late companions?

Answer. No, sir; I know nothing about it.

By the CHAIRMAN:

Question. Are you acquainted with the standing of Mr. Boyd as a member of the bar and a citizen?

Answer. I knew his father, who was a very worthy man and a member of the legislature from Alamance County; and I met this young man at a court or two. I barely knew him as a young member of the bar. I think his and his father's standing was very good in Alamance County. The father served in the legislature a short time ago; and the son, I imagine, enjoyed the confidence of the party, for he had been brought forward as a nominee for the legislature at the time of his arrest by Colonel Kirk.

Question. Could you suggest anything in the way of a legislative or civil remedy for the state of things in North Carolina?

Answer. Well, sir, I am not able; I have tried to devise something that would meet our case, but I am unable to suggest anything at present. I think probably the remedy lies in ourselves; let us work it out. I do not know. There is a great deal said now about these political disabilities. For my part I think, in the present circumstances, that it is doing more harm than good to retain them, and for this reason: So far as obnoxious men are concerned, there are men just as obnoxious to the quiet of the country outside of these men under the ban as any that are among them; and it enables all parties there—and most of our people are politicians; men and women all talk out pretty freely—it enables them to say, "Here is onus of men disfranchised, and their slaves are enfranchised to govern them." Well, it is but a small list, but it creates sympathy, or rather they can make sympathy out of it. Still those men vote, and they can select men equally as objectionable as any of themselves who are under the ban. I have always thought that perhaps the best thing that could be done in that respect would be to remove their disabilities.

Question. With your knowledge of the means by which this organization seeks to accomplish its purpose, do you believe it would be safe to intrust its members with political power as members of Congress or of the State legislature?

Answer. No, sir; having heard the character of their oath I could not trust the men with anything anywhere.

Question. Would it be prudent to remove the disabilities of such men?

Answer. Well, I would not trust a man in any position, private or public, who I believed was a member of that organization, or who had taken these oaths. But I say they can do us more harm by being under the ban than by being relieved, because they say it is not fair to fight a man with one hand tied behind him, and create sympathy in that way. Therefore I believe it would have a good effect to remove their disabilities. You keep out A, B, C, and D simply because they are under the ban; and you let in E, F, G, and H who are not under the ban, but who are equally objectionable.

By Mr. BAYARD:

Question. Do you mean that all citizens of North Carolina who are under political disabilities are members of this organization? Do you state that of your own knowledge?

Answer. By no means. I do not know anything about it, whether they are or not. I know some men who are under disabilities who are outspoken in denouncing it.

Question. Were you ever under political disabilities?

Answer. Yes, sir.

Question. Were they removed?

Answer. They were; and that is one reason why I have never opposed any other man's enfranchisement.

Question. When were yours removed?

Answer. In 1868. Perhaps that may have given some coloring to my feelings; having asked for my own to be removed, I have never opposed anybody else's.

Question. Do you not know many men who are now under political disabilities who are entirely trustworthy in any capacity, private or public?

Answer. Yes, sir; men that I would trust, and that are worthy of confidence.

Question. Are the class of men under political disabilities generally those who were eminent in civil life before the war?

Answer. Yes, sir, necessarily so; the men who held office.

Question. And who are now disqualified?

Answer. Yes, sir.

Question. Do you believe that the restoration of the competency of these men who held office would have a beneficial effect upon the temper of society in your State?

Answer. I am inclined to think it would.

Question. Do you think it would tend potentially to restore or create a proper condition of social and civil feeling there?

Answer. No, sir; I do not believe that that of itself would. I think the disease is too deep-seated to be affected by so slight a remedy. It arises from the hostility and bitterness growing out of the war. Many men who are known to be republicans are asked to sign petitions for the relief of political disabilities of others. In most instances they have done it. Some men make it a rule never to decline. Such has been the rule with me, never to decline where the parties asked for it. I am satisfied, however, that a great many of those who received those favors do not afterward show any gratitude at all, but have been very violent and active in destroying the character and reputation of those who signed their petitions.

Question. Is that your personal experience?

Answer. My observation, more than my personal experience. I have lived in the State all my life, and have never felt those proscriptions so much as others speak of. I never had cause to complain myself, but I have witnessed it very extensively. I think the relief from political disabilities might have a tendency to restore society. I hope that it would; but my opinion is that society is resting upon a basis there that cannot exist for any length of time.

Question. Explain what you mean.

Answer. There is too much political bitterness, and there is a party that have taken the law into their own hands and have punished men indiscriminately from one end of the State to the other, and there has not been a single instance of the punishment of those who have committed these outrages. I believe if this thing goes on we shall become, as they say, Mexicanized. I believe society is degenerating. I am compelled to believe it has become very corrupt, when to any extent an organization can be found to take oaths such as have been detailed to us as the oaths of this organization. And yet we have it reported that men honored in the land do take these oaths.

By the CHAIRMAN:

Question. Have you known any persons who have had their disabilities removed that have apologized for or justified these outrages?

Answer. Well, sir, I do not know how to answer that question. When any of the men who perpetrated these outrages have been brought up, they have been represented by volunteer counsel; I will not say always, but last summer, during our investigation, the counsel, I believe, made it a matter of boast that they volunteered.

Question. Who were they?

Answer. Judge Battle, Governor Bragg, Judge Merriman, and others. They were prominent members of the bar.

Question. Have the disabilities of either of them been removed?

Answer. Those of Judge Merriman have been removed.

WASHINGTON, D. C., February 6, 1871.

C. R. THOMAS sworn and examined.

By the CHAIRMAN:

Question. In what part of the State of North Carolina do you reside?*Answer.* I reside in the city of Newbern, Craven County.*Question.* How long have you been a resident of that State?*Answer.* I was born in the State of North Carolina, and was educated at its university. I have lived in the State all my life.*Question.* What positions have you held in the State?*Answer.* I was a member of the convention of 1860, in North Carolina, and acted as such until the adjournment of the convention. Subsequently I was principal clerk of the senate of that State, and, while acting as such, I was elected by the legislature as secretary of state, in which office I continued until the surrender. Subsequently, at the request of the then provisional governor and the present governor, W. W. Holden, I held the office of secretary of state provisionally for a few months. Last spring two years ago I was elected judge of the superior court for the third judicial district of North Carolina. That office I resigned the first Monday in October last, having held it a little over two years.*Question.* Are you now a member elect to the Forty-second Congress?*Answer.* Yes, sir; I was elected from the second congressional district of North Carolina.*Question.* Will you now please go on and state connectedly and succinctly your knowledge and observation of the state of affairs in those portions of North Carolina with which you are and have been conversant, as affecting the security of life, person, and property?*Answer.* Last August, twelve months ago, on my return from New York, I found some sixteen or more persons detained in the county jail of Craven County, as I understood, by order of the governor of the State. They had been awaiting my return for a preliminary examination. Two of those persons, I think, were charged with murder; a number of them, a majority of them, were charged with conspiracy, and perhaps one or two of them were charged with larceny. After some inquiry, I came to the conclusion that it was true, as stated to me, that no justice of the peace in the counties in which the crimes had been committed would issue his warrant to arrest the parties, or if he did issue it, would hear it and conduct the examination.*Question.* In what counties were the crimes committed?*Answer.* The crimes were committed in the counties of Lenoir and Greene. I merely give the statement as it was given to me, though I do not now vouch for the truth of it. I acted upon that information, believing it to be my duty, and issued a bench warrant, which was a very unusual thing for a judge in North Carolina to do. We generally impose that duty upon the justice of the peace of the county where the crime is committed; but I did issue it without regard to the act of assembly, under which it was said the governor had detained these parties. The parties were brought before me, and I gave them a preliminary examination in the court-room from day to day during a week. Perhaps, in answer to your question, which is of such a general character, I might best refer to the report which is in a communication from the President to the Senate, and entitled Ex. Doc. No. 10, part 2. I read that communication the other day as I was on the cars. I think it contains a true copy of the report which was made of the examinations which were had, and the testimony which was given. I would say, however, that the material for the report was not furnished by me. I declined to furnish it at the request of the editor, Mr. Stearns, who then edited the Newbern Republican; but after comparing the report which he made with the examination taken in writing and subscribed to before me, I believe the testimony, as given in this document, is substantially correct. Of course, the report not having been made by a lawyer, there are some matters in it which are inaccurate. The editor seemed to regard it as a trial, rather than a preliminary examination. I observe that the governor, in his letter transmitting this testimony with other testimony to the President of the United States, says that I stand ready to corroborate it. That word is, perhaps, not well chosen. I can only say, in regard to the weight of the evidence, that it was sufficient to my mind then to cause me to require the accused parties to enter into recognizances to appear at the next term of the superior court of the county in which the crimes were alleged to have been committed, and to commit two of the parties, Mr. Monroe, a lawyer of Kinston, and Mr. Sutton, of Greene County. I could not speak as to the credibility of the witnesses further than that. By their own confession they were participants in the crime. As to the testimony of one witness, however, who was the jailor at Kinston, in relation to the taking from the jail and the subsequent murder of four or five prisoners, I did credit his testimony; and had it been given before me as a juror, I should have given it full credit.*Question.* Is that the extent of the general statement you desire to make in answer to the general question?

Answer. I could hardly fully answer so general a question without going into a number of particulars.

Question. Knowing the position you held, I preferred first putting the general question to you before asking you any special questions.

Answer. I will state that these parties were, some of them, recognized to appear, and others were committed for trial at the next term of the court. Of course I sent the record of the examinations to the proper court. When the term of the court came around, these parties were indicted by the grand jury; a true bill was found and returned to the court; those indictments are now pending. As to the indictment for conspiracy, upon the suggestion of the solicitor it was removed to the county of Wayne. I have then admitted the parties to bail in what I deemed a reasonable sum. Another term of the court followed in Wayne County, but there was no trial; the case is still pending.

Question. Of which counties do you speak as those in which these cases are still pending?

Answer. The one for conspiracy is pending in the county of Wayne. I was not there at the last term of the court; I did not hold it. There is also pending in Wayne County for murder against Mr. Monroe.

Question. Are there any indictments pending in either of the other counties?

Answer. I think the indictment for murder against Mr. Sutton is pending in the county of Greene, unless it was disposed of at the last term of the court there. I think it is still pending.

Question. Did your commitments embrace any in Lenoir County?

Answer. Yes, sir; these parties were principally from Lenoir County, as the testimony will show.

Question. Did you commit them for trial in Lenoir County?

Answer. Yes, sir; I will refer to this written testimony, in this Senate document, as a part of my testimony.

By Mr. BAYARD:

Question. Were those the cases known as "the Lenoir County cases?"

Answer. Yes, sir; but there were two cases from the county of Greene; one of murder and one of larceny.

By the CHAIRMAN:

Question. The others were in the county of Lenoir?

Answer. Yes, sir.

Question. You have spoken of the county of Wayne.

Answer. The case was brought in Lenoir County; but under a statute of the State, it was removed to the county of Wayne, because the solicitor said he thought there could not be had a fair trial in Lenoir County.

Question. Is that a general law, which permits either the government or the defendant to have a change of venue in certain cases?

Answer. Yes, sir.

Question. How is the change of venue obtained?

Answer. Upon affidavit made before the court.

Question. Is it discretionary with the court?

Answer. No, sir; not now. The law has been changed recently, so as to make it the duty of the court, upon the simple motion of the solicitor, to order a change of venue in cases of conspiracy, murder, or the crime of going masked, disguised, or painted, which is made a felony.

Question. When was that statute passed?

Answer. In January, 1870, and is entitled "An act to secure the better protection of life and property." I find it given here on page 42, of Senate Executive Document No. 16, part 2.

Question. Is that act still in force?

Answer. I think it is.

Question. From the examinations made before you in these cases, have you any doubt of the commission of the offenses that were testified to as having been committed by those parties?

Answer. I had no doubt as to the fact.

Question. That is what I mean; that offenses of the character spoken of had been committed?

Answer. Yes, sir; of course I do not speak as to the guilt of the parties.

Question. You have already said that you deemed the evidence sufficient to justify you in recognizing the parties to appear.

Answer. Yes, sir; and I committed Mr. Monroe and Mr. Sutton to jail for murder.

Question. Were you satisfied from the same testimony of the existence of the organization referred to in the testimony, popularly known as the Ku-Klux, and for which other names were given in this testimony?

Answer. I cannot say I was entirely satisfied of that fact from the testimony given at

that time. But I will say that from that testimony and from what I also learned outside, I believed that there then existed in the county of Lenoir a secret political organization. By what name it was called, or what were its purposes, I could not tell.

Question. Were you aware that any of those outrages had been committed either by its order, or with its connivance or sympathy?

Answer. I cannot say that I was, though the testimony all looked that way.

Question. Have you either knowledge or information sufficient to justify you in saying whether the members of that organization seek to get upon juries for the purpose of shielding their fellow members?

Answer. I can only speak from the statements of other persons. I did several times observe persons hanging about the jury box, apparently with a desire to be summoned as tales jurors, and I took occasion to caution the sheriff in regard to them. My recollection is that he said he thought they were doing that thing. But I do not think it was carried to any great extent, or done by any considerable number of persons.

Question. At the time you speak of, when you say you believed persons were hanging about the jury box with the desire to be summoned, were there pending in the court cases involving persons charged with being members of that organization?

Answer. Yes, sir.

Question. Do you believe that the existence of that organization interferes with the administration of justice in cases of that character in your State courts?

Answer. I do not know that I could answer that question directly. I do not think, so far as I have any knowledge or belief, that it really interfered in any judicial district.

Question. What counties were comprised in your judicial district?

Answer. Wilson, Wayne, Lenoir, Craven, Carteret, Onslow, Jones, and Greene—eight counties.

Question. Did any case against parties charged with being members of that organization come before a jury for trial in either of those counties?

Answer. No such case has ever been tried there.

Question. Have bills of indictment been found in your district against persons charged with being members of that organization?

Answer. Yes, sir; indictments have been found in these cases. There was a suspicion that they might not be found. They were found, however. I hardly know what language to employ to give the committee a truthful impression of the matter, as I would wish to do. I had heard the solicitor complain that he could not get through certain indictments against certain persons.

Question. For what reason?

Answer. Because of the prejudices of persons who were on the grand jury. I think I took occasion, over and over again, and sometimes in very strong language, to charge the grand jury in reference to the matter. But I would not desire to give the committee an impression that it was a very general thing that justice could not be administered in any case. It is true there was a very strong prejudice in the State, especially two years ago, against the negro. And I sometimes watched the course of a jury in a case where a negro was on trial. I think such suspicions as I had of bias on the part of the juries were gradually removed, and that juries are becoming better and better accustomed to the trial of such persons, and to colored persons themselves being put on juries, and that everything is inclining to a fairer administration of justice in the jury box.

Question. What the committee desire, at least I speak for myself, and I have no doubt such is the desire of all the members of the committee, is to get from you, on account of the opportunities of observation you have had as a presiding judge, your own impression as to the exact condition of affairs in your district, as regards the security of person and property; let that condition have arisen from the operations of any organization of either political party, or from whatever cause it may; use your own language in making your statement in your own way.

Answer. It is very difficult for me satisfactorily to express the impressions I may have. But in answer to your question I will say that I do not think there was any impediment to the administration of justice, except such as was thrown in the way by the passions left by the war, and by prejudice toward the negro race. It was our education there, at least such was the education of most men there, to regard the negro as not the equal of the white, either socially, politically, or otherwise. That, however, was not my doctrine.

Question. Do I understand you as saying that while, soon after the war, prejudice against the negro did interfere with his obtaining his rights, that prejudice is now disappearing, and he is now on a better footing before juries than right after the war?

Answer. I think so; it is gradually disappearing.

Question. That is what you desire the committee to understand?

Answer. I think the condition of things has been gradually improved. I make use of that expression for the reason that generally the persons who belonged to the party known as the conservative party, or the democratic party, in North Carolina, now are

publicly in the legislature, and also in their private conversation, that the negro is entitled to citizenship, and to all the rights of a citizen.

Question. You have already stated that you have been elected a member of the Forty-second Congress.

Answer. Yes, sir.

Question. Upon which ticket were you a candidate?

Answer. I was the republican candidate. I have been a republican ever since the surrender. I was a Union man in 1860, and a conservative during the war. But "conservative" meant then something very different from what it means now.

Question. Will you state whether during the time you occupied the bench you ever received any threatening letters, purporting to come from any secret organization?

Answer. No, sir; I never received any such letters myself. But I think about the time of those examinations, just before or after—I think just before the examinations—as I reached home that summer, on my return from New York, a friend of mine handed me a letter, which was addressed to Mr. Frank Huggins, of Kinston, in Lenoir County. He was a deputy assessor. The letter was mailed at Moseley Hall, and addressed to Frank Huggins, Kinston. Mr. Stanbury, a friend, handed me the letter to read, just before these examinations, I think. It was written in a disguised hand, dated at "Headquarters," and signed in some odd Ku-Klux characters. It contained a number of warnings and threats to Mr. Huggins; and also contained this sentence in reference to me: "Tell Judge Thomas that he had better shut up, or his children will be without a father." I attached no especial importance to it, regarding it as an anonymous communication. But my friend observed to me that he knew of no person or party in the district who would have such feelings toward me. I did not believe there were any number of men in my district who would have sanctioned such a thing. I have the letter at home now, and, whether in good taste or not, upon the suggestion of a couple of members of the bar, I took occasion at the next term of the court to call the attention of the grand jury to it; and so far as I could on the bench, I denounced the cowardly villain who wrote the letter, and urged the grand jury to inquire in reference to it—not in reference to that particular language about myself. I stated that I would resign my position rather than be suspected of declining to perform any official duty, and that the controlling reason which led me to mention it to the grand jury was lest the person who wrote it or knew of its being written might suppose that the threats in it could influence my judicial conduct. I distinctly told them that as dearly as I loved my wife and children, I would see them meet the fate which this cowardly villain seemed to threaten for me, and to meet it myself with them, rather than fail to discharge my duty. I might perhaps add that that was suggested by the occasion; I do not know that as a matter of taste I would approve it in a charge to a grand jury.

Question. Now, in regard to the present condition of your district, do you believe there is in existence there any organization, either political or otherwise, which interferes with the administration of justice in cases arising out of these alleged political or other organizations?

Answer. I will state, with that certainty and positiveness with which I would not were I a member of this committee or of Congress and called upon to act, that I believe there existed at that time in the county of Lenoir a secret political organization. I cannot say whether one exists there now or not. I think that organization consisted of some seventy-five or one hundred persons. To answer your first general question, I do not believe there was any such organization in my county of Craven, or in Carteret County, or in Onslow County. I doubt whether there was one in Jones County. There was an attempt to get one up in Craven County, but it was checked. I think retaliation would have followed in that county if it had been known that such an organization existed there, and that it murdered or injured a man in his person or property for political reasons. I think retaliation would have followed, and that is to be feared. It did follow, as I believe, in the county of Greene, and stopped the organization there.

Question. Then you state it as your belief that this organization really existed only in the county of Lenoir, so far as your district is concerned?

Answer. So far as I knew; I would not be willing to say more than that.

Question. What were the purposes of the organization and its mode of operations?

Answer. I cannot speak with any certainty or positiveness about that; my answer would be that I do not know. I could only give the impression which was entertained in common by republicans and others. I think it was mostly political; intended to advance the interests of the opposition party, as I term it, in the State—the democratic or conservative party. It was said to have been gotten up in opposition to the Loyal League, appealing to the prejudice of the white man against the negro for strength, and that prejudice was the main strength of the opposition party in that State.

By Mr. BAYARD:

Question. As a supervisor of the administration of the laws in your district, did you

find the course of your courts impeded in any way, or did you find your process resisted; or was your process executed and duly respected?

Answer. I can answer that question in a few instances definitely. When I ascertained or believed that a justice of the peace in the county of Lenoir, or in the county of Jones, for instance, would not or could not issue a warrant, a State warrant, as we term it, to arrest a party, I felt it to be my duty to issue a bench warrant, as we term it, which would serve all over the State and to any sheriff of any county; I issued a number of such warrants. The sheriff of Lenoir County told me, with reference to two persons against whom a warrant had been issued, that he could not arrest them, for he believed his life would be taken if he were to attempt it. I told him that it was his duty to arrest them; that he could summon as a *posse comitatus* every citizen of the county. His reply was that most of the citizens would refuse to obey his summons. I told him that if any person, after having been duly summoned by him, should wilfully refuse to obey the summons, he would be guilty of a misdemeanor, for which he should be presented to the grand jury.

Question. Were your writs served?

Answer. They were all served except as to two or three parties. A writ was never served upon one of the parties named in this communication, Ash De Vaux, and also in regard to two or three others.

Question. Why was that?

Answer. They slipped out of the way.

Question. They evaded the process?

Answer. They concealed themselves in the woods, and went from one county to another.

Question. They did not forcibly resist its execution?

Answer. No, sir; I have not known an instance of forcible resistance.

Question. I find, by reference to the statute of which you have spoken, that it is the duty of the judge upon the motion of a solicitor of a district to remove the trial of any person from one county to another.

Answer. In the cases of certain crimes.

Question. Yes; and among them the crimes of murder, conspiracy, going disguised, &c. Is it in the power of a judge, upon the motion of the solicitor, to remove any case of the character embraced within this statute to any other county of the State where he thinks a fair trial may be had?

Answer. It is made his duty so to do.

Question. What is termed a change of venue can be had upon the application of the solicitor in the cases designated by this statute?

Answer. Yes, sir; that act was passed to remedy a supposed evil.

Question. Prior to that time had you not the ordinary method of obtaining a change of venue, as where the accused considered that he could not otherwise have a fair trial, or where the State alleged the existence of some strong feeling against the execution of the law; under those circumstances could not a change of venue have been had before the passage of that law?

Answer. There was a statute providing in certain cases for a change of venue to an adjoining county.

Question. But under this statute it could be removed to any county that the solicitor may designate and the court agree to?

Answer. Yes, sir; to any county, as I understand it.

Question. Now, in regard to elections since you have been upon the bench, and up to this time; have you yourself been present and voted at elections?

Answer. I think I have, and uniformly voted for the republican candidates.

Question. You were a candidate for Congress last August and elected?

Answer. Yes, sir.

Question. What was your majority?

Answer. From 2,700 to 2,900.

Question. Were the elections throughout your district, as a rule, peaceable and orderly?

Answer. Yes, sir; I had intimations that it would be unsafe for me to canvass my congressional district, but I did not think so, and I did canvass it.

Question. Did you meet with any personal intimidation or injury?

Answer. I never did, except some slight interruption from a drunken man in the county of Pitt. I spoke very freely what I thought, as I do everywhere when I consider it my duty to speak.

Question. You ran upon the republican ticket?

Answer. Yes, sir.

Question. You canvassed your district freely and expressed what sentiments you pleased?

Answer. I did.

Question. Without interference, except upon the one occasion you have mentioned, from one drunken man?

Answer. Yes, sir. I do not mean that that should justify the inference that every

other man could have done it. I think there was a general fear that a man might not do it safely. I did not partake of that fear.

Question. Can you, from your own experience, give any ground for that fear?

Answer. No, sir, except the crimes which had been and were being committed and the bitterness of party feeling which existed.

Question. Which preceded in organization in point of time, the Union League or the counter political organization on the other side?

Answer. I do not know; I suspect the Union League was the first. I was a member of the Union League. No such organization, however, has existed in the county of Craven since last summer two years ago. It went out with the spring election of that year.

Question. Do you know whether that organization now exists among the negroes in that section of country?

Answer. It does not in my section of the State, so far as I know. I did see a procession of Loyal Leaguers in the county of Pitt in August last. I do not know whether the organization is still kept up there or not. I do not think it is kept up through the State.

Question. Had they any insignia, or mark or badge of the society upon them?

Answer. I think they had some badge upon the lapel of the coat.

Question. Was that the Union League?

Answer. Yes, sir.

Question. What number of them?

Answer. I do not know that all in the procession belonged to the Union League, or Loyal League. I was sitting in the piazza of the hotel when I saw them, and was told that they were Loyal Leaguers. I suppose there were probably a thousand persons on the grounds that day. It was in the town of Greenville, in Pitt County. There were probably two hundred or more of these colored men. They were out upon ordinary parade, as colored men sometimes are on public occasions.

Question. Who is the solicitor of your district?

Answer. John B. Sherrard.

Question. Is he a member of the same political party as yourself?

Answer. Yes, sir; he is a republican.

Question. The jurors from which the panels are chosen are selected by the commissioners of the county, I believe. Is not that the law in North Carolina?

Answer. Under the last statute on the subject, as I take it, it is made the duty of the board of commissioners, at stated times, to draw jurors in the manner provided in the act.

Question. The selection of the names from which the panels are to be drawn is in the hands of the commissioners. They select from the county a number of men, from which the jurors are to be chosen?

Answer. Without referring to the words of the statute I might not make a statement that would be strictly accurate, or rather that would convey an accurate understanding of the matter. The names of the persons who are to be taken as jurors are taken from the taxable list of the county.

Question. Who selects them from that list?

Answer. The board of commissioners, who put the names in a box and draw them out at stated times. They have discretion to reject persons for infirmity of age or other causes specified in that act.

Question. Then the board of county commissioners do originally select the jurors whose names get into that box?

Answer. They are obliged to take the list, as given by the clerk, of those who have paid the public tax.

Question. Then I understand you that the clerk of the county furnishes a list of the taxable citizens to the board of commissioners?

Answer. Yes, sir.

Question. How many of that list do they select as jurors?

Answer. All; they are obliged to put the names of all in the box.

Question. The whole number of taxable citizens, then, is put in the box?

Answer. Yes, sir; in one box.

Question. Then how are they drawn out?

Answer. They are drawn out, at stated times, by the commissioners—so many as by statute constitute a jury.

Question. Can they reject any they draw?

Answer. They have discretion to reject persons who are infirm—unable to travel to court.

Question. Then they can exercise discretion as to those persons whom they reject?

Answer. Yes, sir; but it is a legal discretion.

Question. Are the juries in your county composed in part of negroes?

Answer. Yes, sir; in the counties of Lenoir, Craven, and Greene generally; but I observe that in the counties of Carteret and Onslow no negro jurors were summoned.

In Jones County they were summoned, and generally in Wayne County; but somehow, I do not know why, they get no negroes on the juries in Carteret and Onslow Counties.

Question. In the other counties they do mingle with the whites on the juries?

Answer. Yes, sir. I recollect the first negro that appeared on a jury in the county of Craven.

Question. Were you subject to any political disabilities under the fourteenth amendment?

Answer. I was, because I had held office during the war.

Question. When were they removed?

Answer. Two years ago last spring, I think.

Question. By whom?

Answer. Application of my friends, and at my own expressed wish.

By the CHAIRMAN:

Question. You have spoken of feeling no apprehension yourself in your canvases; can you state whether any apprehension was felt which had the effect to keep persons from the elections in any part of your district?

Answer. No, sir; what I have to reply to that question will be from hearsay. It is very difficult to describe the condition of things.

Question. Have you sufficient information to justify you in giving us your belief on the subject?

Answer. I have heard persons say that they were afraid to go to an election, but not in many instances.

Question. What reason did they give for their fear?

Answer. I do not know that they assigned any reason; it was from a kind of terrorism which prevailed in the community, especially about the time of the murder of the sheriff of Jones County, Mr. Colgrove.

Question. When was that?

Answer. Some two years ago. He had been a captain in the Federal service, and was elected sheriff. It was said that he was obnoxious to most of the citizens of the county. I do not know that I ought to speak about matters of that kind.

Question. Our desire is to obtain a knowledge of the true state of the public sentiment as affecting the security of life, person, and property.

Answer. Well, sir, Mr. Colgrove was regarded by some of his own particular friends as rather a bad man and obnoxious to the people. That charge, however, was too often used in justification or extenuation of certain lawless acts. I know nothing against him myself; I had only a slight acquaintance with him. But I believe that it was a political murder, and my impression is that he was murdered by men who came from some county outside of Jones County. He repeatedly told his friends, and I have heard him say myself, that he expected to be murdered for that reason. There was another person murdered shortly after that in Trenton, the capital of Jones county, by the name of Sheppard. He was a justice of the peace. About ten days before the murder he was in my office, for the purpose of obtaining some advice which I could not give him, pertaining to his duty as justice, and in our conversation, which was brief, he told me that he was in danger of his life, and expected to be killed. Some ten days after that, to my astonishment, I learned that he was shot while tending a saw-mill in Trenton. These two murders created intense excitement.

Question. To what feeling and apprehension did they give rise?

Answer. An apprehension of political assassination; I think that was the general apprehension, and persons were preparing to retaliate. I cannot say of my own knowledge that that was so; but I think it would provoke it if it was followed up.

Question. Was that in your own district?

Answer. Yes, sir.

Question. Were the persons charged with these murders ever brought to justice?

Answer. Indictments are pending now.

Question. When did these two murders occur?

Answer. Since I have been on the bench. Sheriff Colgrove was before me in September or October, 1868. No indictment has been found in Sheppard's case.

Question. Has any been sent before the grand jury?

Answer. I was so informed by the solicitor of the district.

Question. Are the persons at large on bail, or what has become of them?

Answer. They have never been arrested; no person has ever been designated in the case of Colgrove. There was an attempt to arrest two persons charged with the murder of Sheppard, but they resisted and have never been arrested.

Question. Was it your information that they were murdered by persons in disguise?

Answer. I have no information, except so far as the testimony reported disclosed.

Question. Was there any concealment in the Union League of which you have spoken?

Answer. Well, at the time, it was understood that a member of the League should not reveal that he was a member; as was the case with the Know-Nothing organization, of which I was a member a couple of weeks, but left it, because of its principles; but no

man ever felt bound to keep secret the fact that he was a member; I never disclaimed it; and no friend of mine, that I know of, was ashamed to acknowledge any of its purposes.

Question. What was the purpose of the Union League?

Answer. I understood it was political—to administer and preserve the Government through what it thought the proper party—to gather within it men who were loyal to the Government, and diffuse loyal sentiments; that was our object throughout the State wherever it was known.

Question. Did it countenance, or practice, or encourage violence or wrong upon those who were opposed to it in political sentiment, as a means of carrying out its end?

Answer. Not the League of which I was a member; if it had done so, I would have denounced it, and I would have respected no man who belonged to or gave countenance to any organization of that kind, nor will I respect any such man.

Question. From your knowledge of the apprehension which prevailed in those regions where these murders were committed of which you have spoken, could you suggest to us any corrective of the public sentiment which tolerates such proceedings?

Answer. I would not like to undertake to do so; I have hoped that time will correct the passions engendered by the war; I think the excitement in my State is very much owing to the press; I have sometimes thought, while I appreciate the importance of liberty of the press, that it would have been well if it had been suspended the last year or two; I think, furthermore, that the excitement is partly occasioned by a few men who are restless and seeking for office; it seems to me that there is now a contest for office and not for principle; but these are political views, in which I may be prejudiced.

By Mr. BAYARD:

Question. Your opinion has been asked in regard to the state of public sentiment and feeling; is it your opinion that a measure of general amnesty in regard to political offenses would be potential in lessening the bitterness of feeling?

Answer. I might answer that question in the way that the governor of North Carolina once answered an inquiry in regard to negro suffrage. He said he was preparing a message on the subject to the legislature, and if he answered the question he would be anticipating that message. I might be anticipating my action as a member of Congress. I will say, however, that I am inclined to think that amnesty is a measure of justice and of policy to my party. How far it should be carried out, I am not prepared to say.

Question. During the last two years have you been on terms of friendliness with Governor Holden?

Answer. I have been a personal friend of Governor Holden, especially since 1860.

Question. On what you say good terms with him politically and personally?

Answer. Yes, sir.

Question. You have read his last message, of November 22, 1870, I presume?

Answer. Yes, sir; I read it casually. I do not now recollect any portion of it so clearly, except in regard to finance.

Question. On page 19 of Governor Holden's third annual message, I find this language: "The result of this action on the part of the executive, in pursuance of the constitution and the laws, has been in the highest degree fortunate and beneficial. The power of the State government to protect, maintain, and perpetuate itself has been tested and demonstrated. The secret organization which disturbed the peace of society, which was sapping the foundations of the Government, setting the law at defiance, and inflicting manifold wrongs on a large portion of our population, has been exposed and broken up. * * * A score or more of wicked men have been driven from the State, while those of the same character who remain have been made to tremble before the avenging hand of power. The majesty of the law has been vindicated. The poor and the humble now sleep unmolested in their houses and are no longer scourged or murdered on account of their political opinions. Peace and good order have been restored to all parts of the State, with the exception of the county of Robeson, in which some murderers and ruffians are still at large, but it is expected they will speedily be arrested and brought to punishment." Do you coincide with Governor Holden in those statements made in his message?

Answer. I cannot answer that. I do not know. I cannot imagine what influenced the governor's mind when he penned that. I do not know whether it may have been true or not. It is pretty strong language—rather too fast. I think the sentiment is rather colored. It cannot be true that by that one movement so much good followed so soon. Without saying more with reference to it, I think that Governor Holden, whatever may have been his mistakes as a public man, and his want of knowledge of law or of proper advice from friends, or from any other cause, has always, since 1860, acted sincerely. And since the surrender he has acted with an honest purpose properly to administer the government of the State as a part of the National Government. I do not question his sincerity.

Question. My inquiry is whether, in your opinion, the state of things described by him was true?

Answer. I would not like to adopt his language. I do not know why he employed it in that connection. It presumes he meant well, and to give the legislature a good impression; but it seems to me too strong.

Question. I find the expression in a public document—a very deliberate expression of his opinion—and I merely wanted to know your criticism upon it.

Answer. Even in a document of that character I do not know that such matters are always expressed with deliberation. However, such was the governor's expression then, and I think it was too strong.

Question. Is that all you desire to say in respect to it?

Answer. Yes, sir; I desire to say nothing, and I find it difficult to say anything which you might wish me to say without going into a number of particulars and explanations. I would not say anything upon which I would not act as a member of a committee or of Congress.

WASHINGTON, D. C., February 6, 1861.

R. T. BOSHER sworn and examined.

By the CHAIRMAN:

Question. Where do you live, and what is your occupation?

Answer. I live in Raleigh, North Carolina, and am deputy United States marshal.

Question. How long have you resided in that State?

Answer. Since 1867.

Question. State what knowledge you have of the state of things in Jones and Alamauce counties, since the spring of 1869 up to the present time, as bearing on the security of life and property.

Answer. In Jones County I know of the killing of Sheriff Colgrove and Mr. Sheppard. I went down to Jones County after the killing of Colgrove. It seems that there was retaliation there on the part of somebody, and they were burning property, and the governor sent me down with a squad of men. I staid there some two months till things got quiet.

Question. What state of things did you find existing in that county?

Answer. Well, sir; everything was very quiet when I got there. The democrats hold a political meeting after I got there, and said they would do all they could to put down these outrages. About two weeks after I left there Mr. Sheppard was assassinated at Trenton, the county seat. He was postmaster. While tending his saw-mill he was shot from across the river where his mill was situated.

Question. Did you go there after his death?

Answer. No, sir.

Question. Did you make any investigation about his death?

Answer. No, sir.

Question. Have you any knowledge, then, of either of those murders other than what you heard from other parties?

Answer. No, sir; only I saw the blood where Colgrove was said to have been killed on the road. There was a colored man also killed at the same time Colgrove was.

Question. Do you know anything of the state of affairs in other counties of the State beside Jones?

Answer. I went up into Alamauce County and assisted the deputy sheriff in arresting five men charged with whipping a colored man named Harvey. They were brought before the magistrates and acquitted; no evidence was found against them. I arrested also nine men on the line of Chatham and Harnett counties myself. They were brought before a United States magistrate, and he sent them to court, the last June or last November court, and they were discharged by the United States district attorney Starbuck.

Question. Upon what ground?

Answer. The colored man they shot said he supposed they shot him about a mule. He first got the warrant out that it was intimidation because he was a republican, but as soon as he got able to walk he told the district attorney it was something in regard to a mule, and the district attorney said he would have nothing to do with the case; it would have to go to the civil court.

Question. Where did that occur?

Answer. At a place called Buckhorn, on the line between the two counties. Since that I arrested three persons in Harnett County charged with whipping a white woman. That has not been decided; it is before the court now.

Question. Is there anything further that you know in regard to the state of things in those counties?

Answer. Not of my own knowledge, only hearsay. Just before I left home, on Friday night, a colored man brought a warrant in from a United States commissioner for the arrest of four or five parties in Chatham County for whipping, and for burning school-houses.

Question. What is the state of public feeling produced by these occurrences in regard to the security of person and property?

Answer. The republicans down there have but very little security for themselves or their property, those that take any part in politics. There have been forty or fifty outrages, and I do not know of any that have been perpetrated on democrats. I do not know whether it is for their political views, or because they are worse than others.

Question. Do you know whether the United States officials in taking the census or in collecting the revenue encounter any difficulties?

Answer. Yes, sir; some of them do.

Question. From what source?

Answer. Here is a letter I brought along with me from one of the deputies in Sampson County.

Question. A letter to you?

Answer. No, sir; it is to the marshal; it was sent to the Census Bureau, and then returned to the marshal.

Question. I see it is addressed to the superintendent of the census?

Answer. Yes, sir.

Question. Have you any knowledge of the facts yourself?

Answer. No, sir.

Question. Have you any knowledge of any political organization there which perpetrates or countenances these outrages?

Answer. There is an organization existing, for I have seen them once myself. I saw them either in December, 1869, or January, 1870, in Chatham County, when I was going after some illicit distillers. I was about meeting them, but went into the woods and got away from them.

Question. How did they appear?

Answer. They were dressed in white gowns, and were masked—different disguises.

Question. How many of them were there?

Answer. I suppose about thirty or forty. They were mounted and made a very big show, but I don't think there were more than forty.

Question. From your travels among the people, do you know whether they feel secure in person and property from the wrongs of this organization?

Answer. Well, sir, they never say much to me—never talk to me about the matter. I have been treated very kindly traveling the State over.

Question. What is the feeling of the people?

Answer. Well, the republicans say they are not safe.

Question. What is the feeling expressed by the other party?

Answer. They say there is no such thing as Ku-Klux.

Question. Is its existence denied by them?

Answer. Yes, sir; it is denied. I have heard a great many say that they may take some persons that the law does not take hold of, for stealing, and give them a whipping; but they say it is not political. Here is a letter from one of our deputy marshals, written January 6, 1870.

By Mr. BAYARD:

Question. Where was your home prior to 1867?

Answer. In Richmond, Virginia.

Question. Were you born there?

Answer. I was born in Henriques, Virginia.

Question. You went to Raleigh in 1867?

Answer. Yes, sir.

Question. Did you assist in taking the census?

Answer. I did not.

Question. Have you had frequently writs of arrests and summonses to serve?

Answer. Yes, sir.

Question. Did I understand you that you had been treated kindly by the people, traveling through the State?

Answer. Yes, sir; I have never been molested.

Question. Did you ever encounter any forcible resistance to an arrest?

Answer. No, sir; I cannot say that I ever did. About a month ago I went after an outlaw, and he tried to way-lay me, but he did not succeed.

Question. What was he charged with?

Answer. Violation of the revenue law in selling tobacco.

Question. Those writs of arrest issued by the United States Commissioner, you served a good many of them?

Answer. Yes, sir.

Question. Did you ever have any difficulty in bringing the parties up?

Answer. No, sir.

Question. You said you were sent by Governor Holden with a squad of men to Jones County; what were those men?

Answer. They were detailed militia.

Question. White men?

Answer. Yes, sir.

Question. What were your orders from Governor Holden?

Answer. I disremember now. I have the written orders at home.

Question. To what effect were they?

Answer. To aid the sheriff and officers of the county in the discharge of their duty, provided they could not discharge it without help.

Question. Did you ever had any forcible resistance to the execution of the law after you got there?

Answer. No, sir; my men never left camp. When I got there they had some colored militia, which I disbanded. They were under arms before I got there.

Question. Who was in charge of them?

Answer. Colonel Sheppard; the one who was killed.

Question. How many colored militia were there?

Answer. Between five and six hundred, I think.

Question. Did you disband them by order of Governor Holden?

Answer. Yes, sir; as soon as I got there.

Question. At the time you went there, was that the only armed body of organized militia there?

Answer. Yes, sir.

Question. How long had they been organized?

Answer. They were organized soon after the killing of Colgrove.

Question. How long prior to your getting there?

Answer. About a week, or perhaps two weeks.

Question. Were they all armed?

Answer. Yes, sir.

Question. With what arms?

Answer. Muskets, by the governor of the State.

Question. Who was Colonel Sheppard?

Answer. He was in the United States Army.

Question. Where from?

Answer. From Pennsylvania.

Question. Was he a duly commissioned officer in the North Carolina militia?

Answer. Yes, sir; I think he carried his commission.

Question. Did he organize the black militia, in that county, among those inhabitants?

Answer. Yes, sir; in that county, among those inhabitants.

WASHINGTON, D. C., February 7, 1871.

ALBERT H. DOWELL, Jr., sworn and examined.

By the CHAIRMAN:

Question. In what part of North Carolina do you live?

Answer. In Raleigh, at present.

Question. In what are you now engaged?

Answer. I publish the *Saxette* at Raleigh. During the past two years, or since March two years ago, I have lived at Asheville, and published the *Asheville Pioneer*.

Question. How long have you been a resident of the State?

Answer. I am a native of North Carolina, and lived there until early in 1866, when I went to Philadelphia, where I was connected with the *Philadelphia Press* for a while, and then with the *Washington Chronicle* and the *Philadelphia Press*, while here.

Question. Is your paper a political paper?

Answer. Yes, sir.

Question. Of which party?

Answer. Republican.

Question. What opportunities have you had for knowing the state of security for person and property in the State of North Carolina?

Answer. From general observation, hearsay, and reports. I might state that I did not know for what purpose I was summoned here, and therefore I have made no preparation.

Question. Have you any actual knowledge of the disturbances that have occurred in any counties of your State?

Answer. In my office at Asheville I received calls frequently from parties who had been outraged. I recollect distinctly two or three occasions. I remember one or two instances of colored people who had been beaten.

Question. In what county is Asheville?

Answer. In Buncombe County.

Question. Give your knowledge of these occurrences as derived from the statements made to you.

Answer. On one occasion a colored minister called on me.

Question. What is his name?

Answer. His name, I believe, is Jordan Alexander. He told me that he had been beaten very severely in Yancey County, where he had been preaching on the circuit, and had been obliged to leave the county, and was afraid to return. He told a very pitiful tale. That was but one instance. I have heard of a number of others.

Question. What circumstances did he relate?

Answer. He stated that he was at a house one night, and they came about midnight and took him out and beat him severely, and told him that if he returned to the county he would suffer for it. I recollect publishing a little account of the occurrence, giving his statement.

Question. What did they do with him? To what extent was he wronged?

Answer. He said they beat him, took some money from him, and ordered him to leave the county. Yancey County is near Buncombe County.

Question. Were they in disguise?

Answer. He said they were.

Question. Did you or he take any steps to bring the party to justice?

Answer. None at all.

Question. Could he identify them?

Answer. He said he thought he knew one or two of them. Asheville is my home, but I have been there very little of my time. I have made my newspaper merely a secondary consideration. I have traveled a great deal, and have not given sufficient attention to those matters, only during the campaign. I took an active part in politics there. I remember another instance where a colored man told me that his house had been burned down, and that he was afraid to remain there. He lived in the mountains, near Asheville. I know of some personal threats having been made towards myself, or something like that. I paid very little attention to all these matters; did not give them a thought hardly.

Question. Have you given such attention to the personal security of the citizens, and to the security of their property, as to be able to give us an intelligent opinion on the subject?

Answer. I never had an idea of being brought before any committee on the subject; never dreamed of it. I have felt often that my own life was unsafe. I have felt afraid to express my opinions as I desired to do.

Question. For what reason?

Answer. Because I feared to give free expression to my views as a political man, or as an editor.

Question. What facts known to you gave rise to that apprehension?

Answer. I have been threatened until sometimes I feared to walk out at night for fear I would be attacked, beaten, or shot. Free speech has not been permitted altogether. I do not call myself a timid man, by any means.

Question. By what means has free speech been prevented?

Answer. I have been met on the street by a party of men, not disguised men, however. They were threatening me with injury if I persisted in giving expression to my views, writing editorials, &c., showing the opposite party up in its true light, as I supposed. I am a republican, a conservative republican, at heart.

Question. Did they ever proceed any further than threatening; was there any actual violence ever attempted or committed upon you?

Answer. None was ever attempted. I recollect a little instance that occurred at a political meeting; I might state a great deal that I have seen and observed in that way.

Question. It is the state of public and private security that we are inquiring about.

Answer. I am rather unwell to-day, and I hope the committee will excuse my manner of giving my testimony.

Question. Our purpose is to inquire as to the security of person and property in your State; if you have anything to state on that subject you will state it.

Answer. On one occasion the State senator from that senatorial district, including Buncombe, Transylvania, and Henderson Counties, gave notice that he would address the colored people at a certain time. A large crowd of colored people assembled at the court-house at Asheville. There were a few whites, perhaps a half a dozen white republicans there. He spoke that night.

Question. Who is he?

Answer. A Mr. Merriman; a brother of Judge Merriman. He frequently alluded to me, as editor of the Pioneer, in some very savage terms you might say, and provoked considerable excitement. I rose to speak, and was ordered to sit down, because it was said that it would create a serious riot if I even attempted to reply to him. There was the greatest excitement in the hall, and some of us had to flee.

Question. Was that meeting called by the opposite political party?

Answer. Yes, sir.

Question. And you were denounced in it?

Answer. Yes, sir.

Question. And you rose to reply?

Answer. Yes, sir; and my friends would not let me reply. I wished to reply, but I would not have been allowed to reply.

Question. Did anything result from that but the disturbance occurring in the meeting itself?

Answer. Nothing resulted that night; but much would have resulted, no doubt, if I had gone on.

Question. Was that the end of it?

Answer. That night I was warned not to go home; I had to go home with some friends; I feared a personal attack.

Question. Do you still continue the publication of your paper?

Answer. It is published now by another person; I have sold my interest in the paper at Asheville, but I still write for it occasionally. The Gazette at Raleigh is now my paper.

Question. Have you any actual knowledge of the existence of a secret organization that is complained of as causing disturbances in your State? Or can you speak about it only from information?

Answer. I can speak only from public information, because I have never seen any of the Ku-Klux, as they term them, not in disguise, at any rate; but I am fully confident there is such an organization, and I think in my own county of Buncombe; I am sure of it.

Question. Have there been any arrests for those wrongs of which you have spoken, and of which complaints have been made to you?

Answer. None whatever; I suppose the solicitor of that district, Mr. Luak, has been before you—he is in town, I know; he is the solicitor and Judge Henry is the judge of that district; I suppose that they have a knowledge of all these occurrences.

Question. Does this express your knowledge on the subject inquired about?

Answer. What I know is principally from hearsay; there is a great deal of political persecution and social ostracism which is exhibited everywhere and in every circle in that section of the State; that was one reason why I left Asheville, because of this political persecution and social ostracism; that was the chief reason; and there are others who have been induced to leave for the same reason.

Question. Does that go to the extent of endangering the peace or security of person and property?

Answer. Well, sir, timid persons have imagined so; I will be candid, and say that during the campaign I feared I would not live to see it through; I often lay down in my bed at night not expecting to be safe till morning.

By Mr. BAYARD:

Question. Did you canvass the State at all?

Answer. Only in Buncombe County; I have traveled a great deal in the State.

Question. Did you make any speeches?

Answer. I made speeches in Asheville, and once or twice in Madison, an adjoining county.

Question. Did you have any personal assault made on you during that time?

Answer. None whatever.

Question. Were you present at the election in August last?

Answer. Yes, sir.

Question. Was it an orderly and quiet election?

Answer. You might say that we had a very effective police force present, and some of the militia were there; I was the only man, without it was the solicitor and judge, that had full opportunities for observation; I was there as editor for two years, and edited the party organ for twenty counties.

Question. Were you active and outspoken?

Answer. I was, indeed; I am a republican, heart and soul, but I have always believed in being conservative in my views, in the true meaning of the term.

Question. Did you ever hold any office under the State government?

Answer. In 1870, I believe, I was elected a member of the school committee of our district.

Question. By popular vote?

Answer. By the vote of the township. I was elected by the county commissioners as examiner of the public schools of Buncombe County. I was an aspirant for the legislature, but I was not nominated.

Question. You ran for the nomination in your own party?

Answer. Yes, sir.

Question. And you were not nominated?

Answer. No, sir.

Question. What was the political complexion of Buncombe County?

Answer. Two years ago it was republican; now it is democratic by five hundred votes.

Question. Were you ever under any political disability?

Answer. No, sir.

Question. How old are you?

Answer. I was twenty-one years of age in July last. I cast my first vote a few months ago.

By the CHAIRMAN:

Question. You have spoken of an election in Buncombe County; were any persons, to your knowledge, intimidated or prevented from going to the election; if so, by what means?

Answer. I can state what I heard, as an editor. I generally heard the news second-hand. I had a good many chances for observation, but I had other matters to engross my attention. I heard some reports of some persons who were intimidated in the adjoining precinct in that county, who were driven from the polls. But I never had time to investigate those matters, for I intended after the election to leave Asheville.

Question. Were you present at the election in Asheville?

Answer. I was.

Question. Was any one there prevented in any manner from voting as they wished?

Answer. Not to my knowledge. I would like to say one word for myself. I think I was a target for the opposition all the time. I was in a strong democratic precinct. I think no one there has withstood more personal or political ostracism than myself, with one or two leading exceptions.

Question. I was asking about the actual state of things at the polls.

Answer. There was a great deal of bitterness and ill-feeling manifested there, and some hard words, &c.

Question. Did that, to your knowledge, prevent anybody from voting, and voting as they wished?

Answer. Not to my knowledge in that particular vicinity. I know this much: If I, myself, or others there, had expressed their feelings and opinions freely, we would have had a riot. If we had replied to insinuations and attacks made upon us by certain parties canvassing for the opposite party, it would have resulted in a serious riot. So we thought we had better be prudent and say but little. We could not express our opinions freely without creating a disturbance. For the time, there was a very bitter state of feeling existing there.

WASHINGTON, D. C., February 7, 1871.

C. D. URCHURCH sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?

Answer. In Raleigh, North Carolina.

Question. What position do you occupy there?

Answer. I am deputy collector of internal revenue, 4th district.

Question. How long have you lived in the State?

Answer. I was born and raised in Raleigh; lived there all my life.

Question. State whether, in the discharge of your duty as deputy collector, you have ever encountered the organization known as Ku-Klux.

Answer. Yes, sir; I encountered them once only.

Question. When, where, and in what manner?

Answer. About the 18th of October, 1869, I was proceeding to the town of Pittsboro, Chatham County, and about 8 o'clock at night, when I was about four miles this side of the place, as I was riding very leisurely up a hill in my buggy, a man ran out, dressed in a white disguise, and grabbed my horse's rein. I had heard and knew of the existence of such an organization in the country; but I was surprised that one man should attack me. I pulled out my pistol and cocked it, had my finger on the trigger, and was going to shoot. The man heard the click of the pistol and told me not to shoot him, for if I killed him they would kill me; he said it with an oath. I asked him who; I had not looked up the hill; it was very steep, nearly perpendicular; it was a rough, mountainous country. I looked up the hill and saw a host of these men in white moving about. Then I knew who had me; so I told him to lead me up. He led my horse up, and when I got to the top of the hill they surrounded my buggy; they were all disguised. The captain or spokesman, a very tall man, came up and asked me who I was. I told him I was a revenue officer, collecting the revenue in that county. "Well," he says, "that is damned bad business to be doing in this country; we chaps are put here to take care of you fellows, and you shan't go on with any more of your business, anyhow," or something to that effect—I forget the exact words. I said, "Captain, I did not know there was any penalty for collecting revenue in this country." He says, "There is no penalty for collecting revenue so much; but you have been seizing stills on our river." I had been selling a great many stills. "But," says he, "you

cannot do it any longer; we propose to break that up, because it is an oppressive law, and we shan't stand it." I said, "I am very sorry I cannot carry out the laws of the Government; but I would like to know if there is any penalty attached to me. Now, what are you going to do with me?" I was very scared at the time. He said he would tell me directly. Then he called off his men by the fence, leaving one guarding my buggy and one standing by my horse. I could hear the conversation; they talked about shaving my head, and treating me in several ways; but every time they suggested something somebody would object. They kept coming and going backwards and forwards towards the buggy and against the fence, and never could come to any conclusion what to do. They accused me of being one of Governor Holden's detectives and did not believe I was a revenue officer. I told them I was, and pulled out my commission and gave it to them. They carried it to the fence, struck a light, and read it, and came back perfectly satisfied. They kept me there about three hours—till about 11 o'clock. They went clean off, I did not know for what purpose; but they came back after a while and said, "Young man, we are all Methodists in this crowd; we put you on probation; and if ever we catch you seizing any more distilleries in this country just pick out your tree; we will hang you to the first tree we come to." I said, "All right, captain; I suppose you are the powers that be, in this country, and I must submit to them." They told me to leave, and I left in a great hurry. They went on before me, marching one behind the other. Their horses were disguised; every horse had a sheet on the purple. As they marched off I counted them; there were thirty-two of them.

Question. What was the form of their disguise?

Answer. Most of them were in a kind of bloomer costume, white all over. A band came tight around the ankle. Then they had on a white jacket, coming up to the throat, and then something like a pillow-case over the face, up to the eyes. I could see the eyes. They also had on a white cap. If it was moonlight I might descry some of them, though I could not see anything but the eyes.

Question. Could you recognize the features?

Answer. No, sir. I never recognized one man.

Question. Were they commanded like military men?

Answer. Oh yes, sir; they seemed to be under strict command. None of them dare say anything while the captain was talking.

Question. In starting off, how did they go?

Answer. They marched one behind the other, not exactly in military style.

Question. Did they start off in that way in obedience to command?

Answer. There was a command given to fall in, and they all took their places. I suppose it was understood how they were to fall in.

Question. Have you seen where they have committed outrages upon other persons?

Answer. Yes, sir. I saw two colored men hanging, about three hours after they were hung.

Question. Where was that?

Answer. In Orange County, near Oaks post office.

Question. Do you know their names?

Answer. Jefferson Morrow and Daniel Morrow.

Question. When was this?

Answer. I think it was about the first of January, 1870. It was after the time of the other occurrence.

Question. What do you know about the circumstances attending this affair?

Answer. I was on my way from Chapel Hill to Pittsboro. I heard a great screaming and crying on the side of the road. My horse got scared and darted to one side. When I got to the spot, I saw two men hanging to two little hickories a little way apart, and there were three women and five or six children screaming and crying. One of them asked me to go and read the paper which was attached to the breast of the two men. They wanted to know the contents. It was an awful scene. They were making a great ado. I told them I did not like to go there. I was afraid I would get myself in a scrape. I was afraid I was going out of my line of duty. But they insisted, and cried so, that I climbed the tree and got the note and read it, but took particular pains to stick it back.

Question. What was on it?

Answer. The words were "Barnburners and women insulters," signed "K. K. K." It looked like different handwriting, but perhaps it was by one intentionally. The men were hung by a little plow-line. The necks were not broken. I examined them. They were choked to death.

Question. Did you know anything about the characters of the men?

Answer. No, sir. I never heard of them before.

Question. Did you make any further inquiry on the subject in that neighborhood?

Answer. Well, yes, sir. There were a great many people, white and colored, that came to the spot, who heard the screaming. I heard there had been some barns burned in that neighborhood about a month before, and some of the gentlemen remarked that they thought these were the identical persons; something of that kind.

Question. That was in Orange County?

Answer. Yes, sir; near the Chatham line.

Question. What part of the State do you visit in the discharge of your duties?

Answer. I go over eight counties once a month.

Question. What counties?

Answer. Orange, Chatham, Wake, Johnson, Nash, Warren, Granville, and Franklin.

Question. What is the effect of these raids and wrongs upon the feeling of the people as to their security?

Answer. Well, it depends upon what party a man belongs to whether he feels secure or not. Persons who belong to the extreme there are bound to keep themselves very close and not say anything to go abroad that would make anybody mad—any white person around.

Question. Which party do you refer to as being under apprehension?

Answer. I mean all republicans—what are termed radicals; that is, in the country; in the towns it is different; there they do not fear much, because the Ku-Klux don't come there often, and when they do they in the town can hide; but in the country they are scared to death.

Question. Upon what do you base this statement?

Answer. Just from conversation with these parties where I travel.

Question. You speak now of apprehensions expressed by those who are republicans?

Answer. Yes, sir.

Question. Have you had conversation with those who are democrats; and if so, how do they speak?

Answer. Well, I have had conversation with strong democrats and high in office, and they speak as if there was no cause of apprehension at all. But I go into the country and I talk to others and I have heard a great many say, "Well, such a man better walk square, straight up, not make himself conspicuous; if he don't, the Ku-Klux will get him."

Question. Is there any public sentiment there which sustains or approves for those proceedings?

Answer. Well, yes, sir; there is.

Question. Where does it derive its support?

Answer. You mean from what party or class of men?

Question. Just tell what it comes from; let it be either party or individuals.

Answer. It comes from certain individuals who do not believe in anything. From what I can see, it is men who were old Union democrats, and who are democrats now. We have some there who make excuses for these things, but they are elderly men; not so great many of them that make excuses. They appear to be down on it.

Question. Do you mean that this is the only class that make excuses for it?

Answer. That is the only class that I know of.

Question. What is the tone of the press on the subject?

Answer. Well, sir, the Sentinel, the only daily we have in Raleigh, says it is opposed to the organization and would have it would be broken up. But those excuses have been made recently; I never heard of any at the time they were most rampant. You see the thing is quieted more than it used to be.

Question. Since when?

Answer. Since the election in August; quieted considerably all through the country.

Question. To what do you attribute that?

Answer. My own private opinion is that all these Ku-Klux men were democrats, and the organization was gotten up to influence the elections—to scare the colored people and intimidate their voting, so as to get possession of the power of the State. After they had succeeded in doing that, why, then it was all right; they had what they wanted.

Question. Do you mean that since the last election there have been no outrages of this character?

Answer. Oh, no, sir; I do not say that, because one was committed the other day to my certain knowledge. A witness that I had against an illicit distiller gave evidence before a commission in Raleigh, and on his return home he was whipped very severely. He was a white man of some character. I do not say it was finally stopped, but it is not so rampant as it used to be.

Question. Do you mean that since the election the tone of public sentiment has changed?

Answer. No, sir.

Question. Who justify or excuse the proceedings of this organization now?

Answer. Well, it is a class of men we call democrats that excuse or justify them—that is, they are not democrats; they are old secessionists.

Question. Do you mean to say that of their party organization, or of the individual members?

Answer. Oh, of individual members.

Question. Can you name persons in your district?

Answer. No, sir; I cannot name persons with any degree of certainty. I just know the people as a body; I see them in crowds, and stand off and listen to their conversation about such things.

Question. If there are any other facts within your knowledge in your district which bear upon the security of life, person, and property, please tell what you know.

Answer. I think the colored man is in extreme danger there all the time—that is, if he does not affiliate and vote with the democratic party, I think his life is in danger; I certainly think it is, and think it has always been; and I think the life of an active white republican is in danger; the more quiet, unobtrusive, say-nothing people get along very well, but they better say nothing to get along very serenely. In going through the country, canvassing for the party, they are in danger all the time; I know that, and I have felt, ever since I have been collecting revenue there, that I never was out of danger. I think the collection of the revenue has been, in a certain degree, impeded. I speak of my efforts, for I have been actually afraid to go and seize illicit distilleries where I know them to be such.

Question. Did that fear arise from the knowledge of the existence of this organization, or out of the general public sentiment against the enforcement of the revenue law?

Answer. It arose from what I conceive to be the fact, that they were opposed to all laws of the Government being enforced in any way, shape, or manner; and my own opinion is that they are heartily opposed to the Government, as it is, and would willingly see everything subverted that the Government has anything to do with.

By Mr. BAYARD:

Question. What is your age?

Answer. Twenty-four.

Question. You are a native of North Carolina?

Answer. Yes, sir.

Question. Were you old enough for military service during the war?

Answer. Yes, sir.

Question. Were you in the Southern army?

Answer. Yes, sir, two years; and in prison two years.

Question. Were your disabilities removed before you took your present office?

Answer. A deputy collector is never required to have them removed. I am not employed directly by the Government, but by the collector as assistant.

Question. You never held an office?

Answer. No, sir; my office is not recognized directly by the Government.

Question. You are not required, then, to take the iron-clad oath, as it is called?

Answer. No, sir.

Question. Was the instance you mentioned where you saw the Ku-Klux in October, 1869, the only one in which you ever saw them?

Answer. Yes, sir; the only occasion.

Question. Were you ever personally interfered with in the performance of your duties as an officer except on that occasion?

Answer. No, sir; I have heard of threats being made; men came to me and said that I ought not to go to certain places; if I did, my life would be in danger.

Question. In connection with illicit stills?

Answer. Yes, sir; parties would come to me as friends, and warn me not to do it; would say that the Ku-Klux would not allow it.

Question. Had you any personal knowledge of the politics of these distillers and others against whom your measures were directed?

Answer. O, yes, sir; those that I had to take up and bring before the commissioner I have found to be generally democrats. I have captured one or two illicit distillers that were republicans; one large distiller in Nash County, who was a republican. But generally they are all democrats. In fact, there are not more than four or five white men in Chatham County that I know but what are democrats. There are no leading white men that are republicans. There may be a great many that vote the republican ticket, but they do not let it be known. They are actually afraid to do so.

Question. Have you any personal knowledge of that fact?

Answer. No, sir; not beyond what I hear.

Question. That is your own opinion?

Answer. My own opinion.

By the CHAIRMAN:

Question. You made a statement that old Union men who were democrats excused the proceedings of the Ku-Klux; was that what you meant?

Answer. No, they excused the proceedings, but they condemned it; they would say it ought not to be; it ought to be broken up; it is ruining the country. There were loco-foco fellows, good, easy-living kind of people; we find them in the democratic ranks.

WASHINGTON, D. C., February 7, 1871.

J. L. HENRY SWORN and examined.

By the CHAIRMAN :

Question. Where do you reside, and what is your occupation ?*Answer.* I reside in Buncombe County, North Carolina. I am judge of the eleventh judicial district, the extreme western portion of the State.*Question.* Name the counties embraced in that district.*Answer.* Ashe, Watauga, McDowell, Mitchell, Yancey, Madison, and Buncombe.*Question.* Give us your knowledge, derived from your official position and your own observation of the state of affairs existing in that portion of the State, an affecting the security of life, person, and property.*Answer.* There is not much to be complained of on our circuit. I have succeeded very well in enforcing the law. My district contains a majority of republicans. I have never had any difficulty in executing the laws in my immediate district. I have had to exchange circuits with some of the judges in other portions of the State, and during my absence there have been one or two Ku-Klux investigations which I can only speak of from report, from what my solicitor told me. I do not think there has ever been a case of trial under an indictment before me under what is called the Ku-Klux statute of 1868-'69.*Question.* That is a statute against persons going masked ?*Answer.* Yes, sir.*Question.* From whatever source your knowledge is derived, give us any facts which bear upon the security of life, person, and property, in any portion of the State.*Answer.* Though there have been no trials before me, yet from what I could gather from the attorneys and solicitors of other circuits, who are generally good men, I do not believe a fair investigation of the question could be had in the civil courts. We have had, I think, but one or two outrages in our district, and they were confined to one locality, known as Ivy, in Madison County. My solicitor tried to get an indictment against the parties before the grand jury when Judge Cannon was on the circuit and I on his, but failed, though the testimony, he said, was very strong. He is in town and able to tell you himself.*Question.* What is his name ?*Answer.* Mr. Lusk. In attempting to do his duty in that case, he got into a difficulty with the editor of the democratic paper in my town, which resulted in shooting. That was an alleged outrage upon a negro man named Brooks.*Question.* When was that alleged to have occurred ?*Answer.* About a year ago. I learned the day before I left that the same negro came to my solicitor again, and said he had been badly treated by some seven men in disguise on a Sunday night, about the 22d of January.*Question.* Was the complaint made to you ?*Answer.* No, sir, to the solicitor, the night before I left home. There are two other indictments in the court of my county presented by the grand jury in regard to outrages committed in Ivy, in Buncombe County, by disguised men, but I do not think they partake of a political nature. I think bad men have chosen that device. Even in the upper portion of the country, the extreme western counties, there has not been much resort to masking for political purposes, because there are few colored people in the fourteen western counties, and the majority of the republicans are white and able to protect themselves. I do not think anybody would attempt a thing of that kind in the west without fear of due chastisement. But I have no doubt a great many bad men have taken the idea from reports that we have had from the down country, and have sought revenge for personal matters in that way. I rode the seventh circuit in the fall, known as the Salisbury circuit, and I heard a great deal of complaint there from the solicitor.*Question.* Name the counties composing that circuit.*Answer.* Surry, Yadkin, Davie, Rowan, Davidson, Forsyth, and Stokes. The solicitor, Mr. A. H. Joyce, a very prominent and sensible gentleman, told me that he had attempted to have these persons indicted for terrible outrages, which he detailed to me, and though he had made thorough cases against them before the grand jury, they were invariably acquitted, and I heard the same from other solicitors throughout the State. I do not know anything of my own personal knowledge.*Question.* From your intercourse with the judges and solicitors of the State, and your own observation, what is your belief as to the possibility of securing justice in the courts against members of this organization who commit the outrages ?*Answer.* I think the judges who preside in the districts where these outrages have been committed regard that statute as a dead letter. I do not think they think they can enforce it.*Question.* For what reason ?*Answer.* Well, sir, they regard these men as bound together by terrible oaths to acquit each other, and do any kind of false swearing for the benefit of each other.

Question. Is that your own impression in regard to trials arising out of these cases?
Answer. I have never seen a case tried; but from representations of others, I am free to say that I think it is, though I have never found any difficulty in my circuit in executing the law. I talk to the grand jury plainly, tell them their duty, and warn them of the consequences of permitting lawlessness and violence, and I have always found them coming up to their duty. But, as I tell you, there has been nothing of this kind, comparatively speaking, in my circuit. My people are what might be called by those down on the eastern border an ignorant mountain people, though they are all alive to the spirit of liberty and progress, &c.

Question. What is the predominant population of your district, white or colored?
Answer. There are few colored. Outside of my own county there are only three or four hundred colored. In Mitchell County I think there are only about fifteen, but it gives a republican majority of four or five hundred. In Yancey County, which is democratic by a large majority, there are about forty or fifty colored.

Question. Taking your own district, there are very few colored people in it.
Answer. Comparatively speaking, very few. Some counties are strongly conservative and some strongly republican, but I find no difference in any of them in executing the law. There is a great deal of bitterness of feeling, though I do not think it is as deep and as inveterate in the mountains as it is in the down country, especially in those counties where the population is pretty evenly divided between whites and blacks. There have been more of these outrages there than in the extreme west, where there are but few blacks, or in the extreme east, where there are more blacks.

Question. Taking your courts as a general rule, is there any difficulty in administering justice in other cases than those arising out of these outrages?

Answer. Juries are alike all over the world. I have found that men will be guided and governed more by their prejudices in ordinary cases than by their better judgment. I do not think there is any difficulty in obtaining one's right, before the courts of my circuit, though there is much complaint in some circuits.

By Mr. BAYARD:

Question. When did you enter upon your present office?

Answer. In 1868.

Question. How?

Answer. Elected by the people.

Question. By what party?

Answer. The republican.

Question. You are a republican?

Answer. I am.

Question. How long have you lived in North Carolina?

Answer. Born and raised where I now live. I am not a carpet-bagger.

Question. Were you ever under political disabilities?

Answer. No, sir; I barely attained my majority when the war came; I had just got my license; I never held office before the war.

By the CHAIRMAN:

Question. That is all, unless you have something more to say bearing upon the investigation?

Answer. I think you asked me as to my opinion of the state of feeling in the State generally; I have been over a good many portions of the State; there is a great deal of bitterness; there is no doubt that in certain portions of the State terrible outrages are being committed; Judge Logan, who at my request held an extra term of the court in my town two weeks ago, informed me that the Ku-Klux were now riding through his county, and that he was unable to punish them; I believe that the organization is doing us a great deal of injury, if that opinion is worth anything to you; I believe there are a great many conservatives who are as bitterly opposed to it as we are, but I think the matter has gone beyond their control.

Question. Where does that organization and its proceedings find any sympathy or support?

Answer. Most of the outrages are perpetrated in the line of counties between the cotton and tobacco regions, where the colored and white men are pretty evenly divided. But I have regretted to see that throughout the State pretty much, while prominent gentlemen would not speak encouragingly of these outrages, they would generally attempt to palliate them by some other alleged outrage on the part of the other party. I think, with a proper public sentiment cultivated down there a year or so ago, much of this terrible state of feeling might have been prevented; and there is no doubt that a great portion of our people live in daily and nightly terror of their lives. For my part, I have very little hope of any more republican government in those reconstructed States, judging from North Carolina as one of the number. I do not believe the conservative party all endorse the Ku-Klux organization, or that they all belong to it; yet from a feeling of dissatisfaction, resulting in a great many instances from what these

men imagine to be real wrongs, it has grown into gigantic strength throughout the Southern States, until now the men who are really conservative in their notions are unable, as I believe, to control it. I think some of the prominent men in the State live in daily terror of being arrested. They say so to me; those in the eastern portion of the State, who live among these outrages.

Question. If the united public sentiment of both parties had been in condemnation of this organization, could it ever have attained its present strength and position, in your opinion?

Answer. Of course not; public opinion always controls secret organizations, whatever they are.

Question. Can you suggest any remedy, which, in your own belief, as a judicial officer, would arrest these outrages?

Answer. I declare I do not know what to suggest. A remedy might be enforced in the Federal courts, perhaps. The judges in whose districts these outrages are alleged to be committed say they cannot do it in the State courts, for the reason that they who vote occupy the jury box. If the remedy is not there, I do not see where else it can be, except in a military court. Something must be done. The State will have to be controlled by Federal bayonets in the daytime, or by revolvers and bludgeons of the Ku-Klux in the night. I have no hesitation in expressing that opinion there and here. But I have little hope of republican government in the reconstructed States.

Question. When you say republican government, do you mean it in the party sense?

Answer. A government where the people are allowed to vote and act as they please, controlled by civil authority.

Question. Broader than the partisan sense?

Answer. Yes, sir; broader than the partisan sense.

By M. BAYARD:

Question. Were you in the confederate army?

Answer. Yes, sir.

Question. In what capacity?

Answer. I went out first as a private, at 21 years of age. I came to Virginia, and was there made adjutant of the First North Carolina Cavalry. I was afterwards transferred to General Ransom's Staff, then to Hampton's, then to Stuart's. Then, when the ten-regiment bill was passed by the North Carolina legislature, to prevent conscription, I was sent home, in order to raise a regiment there. I was under arrest for disloyalty part of the time, from 1864 up. I did not aim to be disloyal, if I was, to the confederacy.

By the CHAIRMAN:

Question. Disloyal to the State or National Government?

Answer. To the State. We had a good deal of that in Western North Carolina. It was known that we were mostly old-line whigs there. I was true to it, though all my people were democrats. I entered political life pretty early, at about 18 years of age. I edited a whig journal in our district, and was early taught to hate the democratic party; perhaps too much so, and I have not got over it. We drifted into the war out in Western North Carolina more than went into it.

WASHINGTON, D. C., February 8, 1871.

JAMES REID sworn and examined.

By the CHAIRMAN:

Question. Please state in what part of North Carolina you live, and what is your occupation.

Answer. I am a citizen of Franklin County, and by profession a minister of the Methodist Church.

Question. How long have you resided in that State?

Answer. I am a native of that State, and have spent a large portion of my life within its bounds.

Question. State what opportunities have you had of observing and knowing the condition of the people in that State during the past few years, and give us your own knowledge and belief as to the security of person and property there.

Answer. The county in which I live when at home has been a county of quiet and peace, in general, since 1866. I have traveled pretty extensively through the State, and have heard various reports in reference to the sufferings of individuals in different counties, but that is mere rumor. In my own county, some eighteen months or two years ago, I was under the impression that there was what was called a union party of the White Brotherhood, or the Invisible Empire. That was my impression. I was also under the impression that there were several young men of my acquaintance who, if there was a secret organization, in all probability might be members of it. With this impression fixed on my mind, at an early period I met them and interrogated them

kindly and respectfully, because I felt that if they did belong to it they would ultimately become involved in serious difficulties. Well, I did not and could not learn from them whether they were or were not members. But in relation to my own county, where I spend a large portion of my time, I have no distinct recollection that any violence has been used toward any subject in the county. They have been peaceful and quiet. They may have their influence at the ballot-box for what I know, but I am satisfied that no serious wrong has occurred either directly or indirectly in my county. If such an organization exists, as I have been inclined to the opinion it did, it is composed, I have but little doubt, of a class of gentlemen not disposed to use violence.

Question. You speak of your own county?

Answer. I am speaking of my own county. I know every leading citizen in the county, and I am satisfied that they are peaceful, quiet, gentlemanly, and respectful. In reference to Wake, Guilford, Alamance, Caswell, Rockingham, and Stokes, the reports that perhaps you may have seen in the public journals are about all I know, except what private individuals may have stated to me. In reference to the occurrences that have taken place, I have seen one or two gentlemen, personal acquaintances, since I have been in this city, who have spoken to me in reference to their counties and communities.

Question. Have you traveled through either of the counties you have named?

Answer. Yes, sir.

Question. Will you state, in your own way, your observation and belief as to the state of affairs in those counties?

Answer. In last June and July, and during a part of August, in several of those counties there evidently did exist a degree of alarm, and fear, and disquietude. And the question naturally arose, why? Because so many individuals had suffered by the lash, by torture, and in some few instances even by death. Nobody knew who did it; nobody could ascertain how or what. There was the difficulty. Of course, all those wrongs were charged to the Ku-Klux, as we commonly called them. That was the idea; whether the Ku-Klux were guilty or not guilty you will permit me to say that I do not know. But one of the most unfortunate features of that side of the question is that the opposite party seemed to embrace the largest number of sufferers. Well, sir, a great deal was said in reference to the Loyal League. You will permit me to say that I am satisfied, from declarations of John H. Williamson, a freedman, who is now a member of the legislature, that there was at an early period, perhaps in the latter part of 1865, and through 1866, what we call a Loyal League association. We as citizens found no inconvenience at all from that association. The freedmen and a few whites banded themselves together; but so far as relates to my county they were quiet. They had their secret meetings, their private associations; but no difficulty came in my county from that quarter, or from the other side either. We have had no killing, no whipping, no house-burning, and very little theft, except on a small scale, such as ordinarily occurs in almost any community.

Question. From your intercourse with the people in those counties, did you understand that they themselves believed in the existence of this Ku-Klux organization, as you term it? If so, what effect had that belief on their sense of security?

Answer. Well, sir, their impression is that this organization, this secret organization, exists in a vast number of counties. That is the prevalent impression, and it has a tendency to create disquietude of mind. They do not know what will be the fate of a republican. Some have suffered loss of life, and some have suffered various other punishments.

Question. From your intercourse with the people there, can you suggest to us any remedy, either by legislation or as a corrective of public sentiment, which would relieve the apprehension of the people, or compel the disbandment of those organizations?

Answer. I have been at a loss to make suggestions even to my personal friends, before I reached this place, and even since I have been in this city. Here seems to be the great difficulty in the public mind, so far as I understand it: If you can devise any plan, way, or means by which we can have quiet at the ballot-box, I think, in all human probability, it would subside. In the arrangements for the last campaign for the State, there was a great deal of disquiet, in June and July. I lived about thirty or thirty-five miles from Raleigh, and during the session of the legislature I was a visitor there. I urged upon the leading republicans and the leading conservatives to let all this vein of bitterness be arrested and stopped; and in the approaching general election to select, from both sides, men every way competent, who would readily conform to the spirit and letter of the constitution, and do the best they could for the State. That impression prevailed very strongly in February, March, and April. I was repeatedly in Raleigh, and urged that consideration for the sake of peace and quietude. But then, unfortunately for us, a few hot-heads got upon the track on both sides, and at once drew the line.

Question. Were you, as a minister of the gospel, in communication with the leading men of both political parties in the State?

Answer. Certainly I was.

Question. Will you give us the views of those men, as they were expressed to you, in regard to the outrages alleged to have been committed by secret political organizations?

Answer. In the private relations of life and in the social circle their uniform course was to condemn them. I urged upon them to come out fairly and squarely, and publicly, to throw their whole weight on the rein. They have done that in but few instances; they stand quiet. But my impression is that that high-toned class of statesmen do not have any connection with the secret organization.

Question. Does that remark of yours apply to the leading men of both political parties?

Answer. Yes, sir. They have received some threats by anonymous letters, &c.; that is, the candidates in the field; but the time passed and they were unharmed and undismayed. When you take the whole matter into consideration, a great part of my testimony is hearsay, except in regard to my own county. I can speak freely for my own county, for I am there a good portion of my time.

Question. I desire to press that inquiry a little further. I understand you to state that in private circles the leading men of both political parties condemned these outrages; but when you appealed to them to come out publicly and give the weight of their influence against them, they of both parties declined to do so.

Answer. They seemed to remain quiet.

Question. Have you any objection to giving us the names of a few of the leading men of both political parties who, in your opinion, took that position?

Answer. If the committee would excuse me from answering that question directly, I will say that they are personal friends. I will merely make this as a suggestion: cast your eye for a moment at your first-class statesmen in the State heretofore. If the committee will be so kind as to excuse me; I dislike very much to make the statement.

Question. I put it in that form—if you had no objection. Of course I do not ask you to disclose private conversations. We only desire to investigate the subject fully on both sides.

Answer. If you will permit me to illustrate the idea: these gentlemen, on both sides of the question, approach me kindly, frankly, and confidentially in the social circle, and express their views. They do not imagine for a moment that I would report what they said beyond those limits, and forfeit that confidence on both sides of the question.

Question. I leave that entirely to your own sense of propriety.

Answer. If you please, I would prefer it.

Question. What state of public feeling has given rise to these conferences of which you speak?

Answer. We were casually thrown together in the social circle about the city, and got to speaking about the legislative, congressional, and administrative powers exercised by both the national and the State governments.

Question. Have these outrages been so numerous, and the consequent alarm so great as to make them the subject of conversation when you so met?

Answer. That has been the subject of conversation. We would talk about it as about other extraordinary circumstances occurring in the community.

Question. Has your own observation been sufficient to justify you in giving us an opinion as to what class of people make up the body of the organization popularly known as the Ku-Klux?

Answer. As to who are the leading men in that secret organization?

Question. Well, both the leading men and the men who make up the body of those who belong to it.

Answer. I do not know that I am prepared to say. The most that I learned, upon hearing that difficulties had occurred in my native county, Caswell, was that several of the leading citizens of that county had been brought to Raleigh. They had been directed to appear before Chief Justice Pearson. I left home and went to Raleigh, and sat in the supreme court room for four or five days, listening to the witnesses for and against the parties who were under bond. In that way my mind became satisfied that several of the leading gentlemen of the county of Caswell who had been put under arrest were not concerned in the secret organization.

By Mr. BAYARD:

Question. Put under arrest by whom?

Answer. By Colonel Kirk; or, as we familiarly called him in that country, Kirk. The matter was very closely inquired into, on the part of the counsel for and against, of the death of Senator Stevens, of that county. But no direct, satisfactory clue could be got hold of to justify a final judicial investigation. My principal opinion was

formed during the examination of a number of witnesses from Alamance and Caswell, and hearing their evidence in court.

By the CHAIRMAN :

Question. From the evidence which you heard there, and from any other information in your possession, will you state whether it is your opinion and belief that the Ku-Klux organization, as it is termed, did exist; and if so, what body of men composed the organization?

Answer. I will say this much: when men came before Chief Justice Pearson and said that they had belonged to that secret organization, I took it for granted that in all probability they had been members of it; and when they would go on and state what had occurred, I took it for granted that perhaps they knew a great deal more about it than I had any idea or conception of. That is the way I learned so much.

Question. Did you know any of those men?

Answer. Yes, sir; I know several of those under arrest.

Question. I mean of those who testified.

Answer. Yes, sir.

Question. Which of them did you know?

Answer. There was a man of the name of Boyd. I have seen him in this city since I have been here; perhaps he has now left.

Question. James E. Boyd?

Answer. Yes, sir; then there was a gentleman by the name of Albright; and there were some others.

Question. Do you know Mr. Boyd, personally?

Answer. Yes, sir.

Question. What is his reputation as a citizen?

Answer. Well, sir, he is what we call there a young lawyer, and, so far as I have known, stood fair in Alamance up to the time of this disclosure. When Kirk, Berger, and their associates went into that county, it created some alarm among the members of that secret organization, and a great many came out and made frank disclosures.

Question. Are those disclosures all that you know of as having been alleged against the character of Mr. Boyd?

Answer. That is all. If there is any other wrong attached to his character as a young gentleman of truth and respectability, I do not know it. I am satisfied of one thing, that preceding that he was looked upon as a prominent young man, inasmuch that he had been placed in the field as an available man politically. But when this matter was about to be disclosed he declined and left the track.

Question. Do you wish to make any further statement about the impression left upon your mind by the investigation before Chief Justice Pearson?

Answer. I think I have expressed about the substance of my views.

Question. Do you know whether any large number of persons who were in the rebel army are members of the Ku-Klux organization?

Answer. No, sir; I do not know in reference to that, only from mere rumor; that is all.

Question. Are there any other secret organizations existing there of which you have any knowledge, besides this Ku-Klux organization, whose objects and purposes affect in any way the sense of public security?

Answer. None that I know of, or have heard of. In reference to this organization, in relation to my county, especially, I will say that those gentlemen who were suspected of being members of it avowed that if they were members it was not with any purpose to disturb the due administration of the Government, either general or State; that their only object was to unite to protect the women and children from assault, and any insurrectionary movement that might possibly occur among the freedmen. That was their view; that was the reason that they assigned, as I understood, distinctly.

Question. What is the impression of the people, or what is your own impression, from the information which you have, as to the feeling of that organization toward the Government of the United States?

Answer. Well, sir, my impression is that it is not so much against the Government of the United States as it is to carry certain points in the State. In 1855, 1866, and 1867 what we call the conservative party there passed quietly into power. In November and December, 1867, and then embracing 1868, under the congressional reconstruction acts, what was called the republican party passed into power. In the campaign of the last year the republicans fell into the rear and the conservatives passed into power again. As I have suggested to many of my leading friends, it seems to me that the whole matter of this dispute and difficulty can be explained in this way: the ins want to stay in and the outs want to come in; those that were out got in two years ago, and now those that were in two years have gone out and want to come in again. Hence I look, in a good degree, at the whole matter in that point of view: the ins want to stay in, and the outs want to come in, and hence there is an extreme struggle for place and power.

Question. Taking the state of things as it exists in North Carolina now, has it have

comes from wh/ cause it may, what is your belief as to its being possible to secure justice in the course for any wrongs inflicted upon the people?

Answer. Well, sir, in reference to that, as a point, I hardly am able to form an opinion. I do not know that in a moral sense I would be safe, in the eye of my Maker, in expressing a definite opinion.

Question. If you have no opinion of course we do not ask you for any.

Answer. But that is the common opinion, you understand, that in certain counties you cannot obtain conviction for wrongs; but I am not clear that that is the real state of the fact.

Question. Are you now giving, as the prevalent opinion, what you gather from your intercourse with the people?

Answer. Yes, sir; not from my own personal knowledge, but the prevalent opinion.

Question. Are you yourself a politician in any sense of the word? Do you consider yourself as identified with either of the political parties?

Answer. As a minister I have, for the last forty odd years, claimed the privilege of thinking and acting for myself, and have freely spoken to my friends in the social circle. As respects going upon the stage for any expression of political opinion, either direct or indirect, I have ever declined to do so. I have often been called upon by both sides for an expression; I have uniformly declined. My great object is the peace and quiet of my State; that is my great object. I am ready at any moment to place myself upon the check-rein and run all risks, if it would send peace and quiet to the State. I have no alarm, no fears of secret organizations, or anything of the kind.

Question. When you make that statement, you mean no fears for your personal safety?

Answer. Yes, sir; my personal safety.

Question. Have you any fears of the result of these organizations upon the peace and security of the community?

Answer. I am inclined to the opinion that if there exists a secret organization it is wearing out and passing away; it is losing its influence. Public sentiment against any secret political organization is much stronger now than it was six or eight months ago. I am also inclined to the opinion that in the recent action on the part of the legislature of North Carolina, as I have learned by private communications since I have been in this city, ——— they have passed what is called a convention bill. We have already had two conventions. My doctrine in public and private is that we have been reconstructed until we are near about reconstructed out; that we do not want any more reconstruction. We are satisfied with the present constitution. There are in the practical operation of that constitution some minor points to which we were unaccustomed heretofore, and which might perhaps be changed for the better. But the republicans and many of the democrats and whigs, so far as I have heard an expression of opinion, are decidedly against another convention. We have had two since 1865, and we think that will do.

Question. What is the feeling among the colored people of the State as to their security of person and property?

Answer. The present feeling among the freedmen, so far as I have heard an expression of opinion, is one of some alarm; not in reference to their present safety in my county, but they do not want the constitution touched.

Question. I am speaking more particularly in regard to their personal security and the enjoyment of their political rights, owing to this state of terror and alarm which you say has existed.

Answer. They are not in my county laboring under any apprehension that violence will be offered to them.

Question. How is it in other portions of the State that you have visited?

Answer. I have not been in Caswell for some time. In Guilford there is not such a heavy body of freedmen. In Alamance it is pretty much the same. When you come into the vicinity of Raleigh and a little below there, you get into the freedmen region pretty much, and there seems to be no serious alarm among them through my immediate region. When I say "immediate region" I mean Warren, Halifax, Granville, Franklin, Wake Counties—the surrounding counties.

Question. Taking all the counties you have a personal knowledge of, what is your opinion of the feeling among the colored people in regard to their security of person and property?

Answer. Their general feeling is that if the legislature and the State will let the constitution remain as it is they will be satisfied; if they undertake to amend it and deprive them of privileges they will be dissatisfied. That is about the extent of their views and expressions.

By Mr. BAYARD:

Question. Do I understand you, then, to say that the only apprehensions the colored people have is in regard to possible alterations of the constitution of the State affecting their present rights?

Answer. That is their fear, if I understand it.

Question. That is the only apprehension they have?

Answer. Yes, sir; in my immediate region, where I am better acquainted.

Question. So far as you are able to speak from knowledge or information, is that the only apprehension they have in regard to their safety?

Answer. So far as I have heard either the white or colored people express themselves, that is the only fear. My attention was called to the thirteenth, fourteenth, and fifteenth articles of amendment to the Constitution of the United States, as to whether or not the freedmen could be deprived of any of their rights under them. My suggestion was that they cannot be, unless you put the white man upon the same platform. If you put him upon the same platform with a certain class, then you know our politicians will take hold of everything. They tell the non-landholder, the non-freeholder, that he must take position with the freedmen; that they can both vote for members of the house of representatives of the legislature, but there must be a different class to vote for senators. That is about the idea, and they get up and jigger about such items as that.

Question. What do you believe to be the opinion of the mass of the people of your State, of both political parties, in respect to the removal of disabilities from those upon whom they are now imposed by the Constitution of the United States?

Answer. The conservatives, of course, desire it *en masse*, and a large portion of the republicans would readily concur. Recent events in the legislature, in the circles in which I have been permitted to move, have thrown a slight damper over the proposition to remove disabilities.

Question. Do you mean the proposed amendment of the Constitution?

Answer. The proposed amendment of the Constitution.

Question. Is that the cause of it?

Answer. That, I believe, is the cause of it.

Question. Did you ever read the law providing for calling a convention, or taking the sense of the people upon calling a convention next spring?

Answer. I read it in the first instance, when the bill passed the senate. It went to the house and was subject to some amendments; I did not keep up with the amendments fully. After it passed the house and went back to the senate I did not get hold of it; it was not at my command before I left Raleigh.

Question. In your opinion would a general act of amnesty have a beneficial effect upon the political and social feeling of your State?

Answer. I think that in a case of a large portion of those laboring under disabilities it would be very soothing and quieting to the public feeling. I am inclined to think that it would have a tendency, in a degree, to relieve and remove a vein of apparent unkindness. Those gentlemen who are laboring under disabilities feel very unpleasant, I know; they feel extremely unpleasant, I am satisfied of that, and I think it has a tendency to irritate a feeling that should have gone into quiet long ago.

By Mr. WILSON:

Question. I understood you to say that there was an apprehension on the part of some of the freedmen in some portions of your State, in regard to their personal safety now, and had been for some time.

Answer. It has been so.

Question. It has been so?

Answer. Yes, sir; I have not circulated so extensively since last Christmas. Previous to that things seemed quiet in a good degree; but since that I do not know precisely what is the state of feeling; because through those varied scenes I should have passed, perhaps, ere this. The profession and the relation that I sustain to the ecclesiastical department to which I belong throws me out broadcast as an agent or superintendent.

Question. If I understand your testimony, then—I want to know if I understand you correctly—you mean to say, that during a year or two past there has been considerable apprehension on the part of the freedmen in regard to their personal safety, owing to acts of violence that have been perpetrated upon them in the past, and that now, at this time, there is apprehension on their part in regard to so amending the constitution of the State as to take away their rights.

Answer. That is my understanding; that there has been apprehension, serious apprehension, of personal violence; that has measurably subsided. The apprehension now is awakened that in the event of the amendment of the constitution, their privileges may be pared down.

By the CHAIRMAN:

Question. Where persons entertain feelings of hostility to the Government, either because of their original political views or because of the disabilities imposed upon them, do you believe the removal of those disabilities would remove those hostile feelings and make them better citizens?

Answer. I do not know what effect it might ultimately produce to have them in a position where they could not fully participate in all the administration of the Govern-

me. It is strongly inclined to the impression that to relieve them from their embarrassed condition would have a direct tendency to soothe the feelings which they now have. It is true that many of our talented men, many eminently high in the public estimation, are now laboring under disability, and their personal friends all the way down feel it.

Question. Has the removal of disabilities, in any case wit' in your knowledge, produced that effect upon the persons whose disabilities have been removed?

Answer. There have several instances occurred among that class of gentlemen whose disabilities have been removed, where it seemed to act with a very fine influence in their whole circle; leavening the whole lump. That is what I have seen, and I have thought it was the result of the removal of those disabilities.

By MR. BAYARD:

Question. How long have you been in the Christian ministry?

Answer. From 48 to 50 years.

Question. Has your ministrations all that time been among the people of North Carolina?

Answer. No, sir.

Question. During what period?

Answer. Much the larger portion.

Question. How has it been for the last 10 or 15 years?

Answer. Principally within the State of North Carolina.

Question. Has that enabled you to have an extensive knowledge of the feelings and character of that people?

Answer. Yes, sir; I have been at a large number of the most prominent points in the State.

WASHINGTON, D. C., February 8, 1871.

VIRGIL S. LUSK sworn and examined.

By the CHAIRMAN:

Question. Are you a citizen of North Carolina?

Answer. I am.

Question. In what part of that State do you live?

Answer. In the western part of the State.

Question. What is your occupation or profession?

Answer. I am a lawyer by profession.

Question. Do you occupy any official position?

Answer. I do.

Question. What is it?

Answer. I am solicitor for the eleventh judicial district of North Carolina.

Question. Is that the district of which Judge Henry is the judge?

Answer. It is.

Question. Will you now go on and give us your knowledge, as obtained from your official position and from observation, of the state of affairs existing in that district as regards the security of person and property?

Answer. The most of my information on that subject is what came to me officially. I know in regard to several outrages that have been reported to me. The first that came to my knowledge was committed, I think, about the first day of January, 1868, at Mars Hill, in the county of Madison. As I was informed, a band of some 18 or 20 men went to the house of a man of the name of Cox and called him out; he went to the door, and seeing a band of disguised men there, and knowing, I suppose, what their business was, he fled to the mountains; he was a leading republican in that part of the county. The band then went to the house of a man of the name of Briggs, who was also a republican, and called upon him to come out. The wife of Mr. Briggs was then in a delicate condition, and persuaded him to leave, and he also went to the woods. The band made some threats toward Mrs. Briggs, and she becoming frightened, gathered together her little children and fled to the woods, where she remained all night; during the night she was taken sick in the woods and came near dying. This band visited several other houses in the neighborhood. Finally, they went to the house of a colored man of the name of Brooks, took him out of his house and carried him off some distance; they then presented a pistol at his head, ordered him to get down on his knees and pray, and after making him promise not to vote the republican ticket any more they let him go. I caused a subpoena to be issued for some 4 or 5 witnesses and investigated the matter; and when our court came on at Marshall, I sent in a bill against about 20 persons who were supposed to have been in the party that committed the outrage; nobody knew exactly who they were; I also had three persons summoned as witnesses, who were supposed to have been in the raid, as it is called; one by the name of Liff Roberts, one by the name of Robertson, and one by the name of Gibbs; those three were supposed to have been members of the organization; as it was before the passage

by the legislature of the act of April 12, 1866, for the protection of life and property, I could not indict these parties for wearing disguises, &c.; so I indicted them for an unlawful assembly, and for creating an affray and a riot. When the grand jury called the case, I went into the grand jury room and examined the witnesses myself. Brooks stated in detail about what I have stated here, as to how he had been treated; I then called in Roberts—or the grand jury called him in—but he refused to testify, saying that he was afraid to tell what he knew about the matter, for if he did his life would be in danger, and intimated that he had taken an oath not to divulge what he knew about the matter; I had no authority, and the grand jury had none, to make him testify; I therefore reported the fact to Judge Cannon, who was then presiding. However, I am a little too fast in my story. Before I reported the matter to Judge Cannon, Roberts had said that he might be put in jail, but he would not testify; he said, "If you do put me in jail there will be a bloody time, for men will come to my assistance from all parts of the country." That rather astonished me; he refused to testify, and I reported the matter to the judge, who called the grand jury into the court-room and instructed them that if a witness refused to testify, to report the matter to him and he would commit the witness for contempt; the grand jury then retired to their room again. Roberts concluded to testify, and said that he was at Mars Hill the night of the raid, and that there was there an organization of disguised men; he did not say what the organization was, whether Ku-Klux, or what it was; he said the organization was there, and went on to designate several men he saw there in disguise, among whom were the two witnesses, Robertson and Gibbs, I had summoned. The grand jury dismissed Roberts, and then called in Robertson and Gibbs; they swore that they were not there, and did not know anything about it.

Question. Did I understand you to say that Roberts said that Gibbs and Robertson were both there?

Answer. Yes, sir; he stated that he saw them both there in disguise. Then Robertson and Gibbs were called on subsequently and they testified that they were not there. Well, the grand jury ignored the bill.

Question. Did the prosecutor identify anybody?

Answer. No, sir; the State was the prosecutor.

Question. There was no prosecutor present?

Answer. No prosecutor indorsed on the bill. Liff Roberts was a witness, summoned for the State.

Question. Were either of the women to whom you referred able to identify any of the parties?

Answer. No, sir; they did not recognize any of them.

Question. Go on and state any further facts that came to your knowledge.

Answer. Another case occurred in the County of Yancey. A party in disguise went to the house of a lady, (so she testified in court and before the grand jury,) took her out and gave her a most unmerciful beating. I sent a bill in that case under the statute of the 12th of April, for wearing masks and disguises, and the grand jury found a true bill in that instance. The case was tried before Judge Cloud, at the last fall term of Yancey court. The woman testified to knowing some of the parties who were included in the bill; her daughter testified to the same fact; and her son also testified to about the same fact; but the parties proved an alibi and were acquitted. That is the only trial I have had before a jury on indictment.

There are two or three indictments, I believe, now pending in the county of Buncombe. The parties went to the house of a man named Duncan, broke in the door, abused his family, struck his wife a blow on the face, and whipped his step-daughter or some female member of the family. I sent a bill against them under the statute of the 12th of April for wearing masks and disguises, and the grand jury found a true bill. The case is not yet tried; the reason, as I gather from information is, that though the State was ready last term of the court in Buncombe County, Mr. Duncan, the important witness, a man of good character, as I am told, had been frightened away from court; so it was reported to me by a gentleman living in his neighborhood. I had a capias issued for him and could not find him. Another case that happened in the same neighborhood was the abusing of a white woman. She came into my office about two weeks after it happened and showed me the bruises and scars upon her legs, where she said she had been beaten by men in disguise, wearing masks.

Question. When was this?

Answer. It was last spring. Again, a day or two before I left home, the same man, Brooks, I have spoken of heretofore, came into my office and said he had been assaulted again by these parties. He told me they came to his house after he and his wife had retired and called for him. His wife told them that he was not at home. They then broke down the door, came in, and commenced abusing and maltreating his wife. He stated to me that they attempted to rape her. He groped about in the dark and got hold of an ax and struck one of them with it. As he went out of the door he was struck over the head with a club. He showed me the scar, reaching from the eye to the hair. When he got out into the yard he struck another one of them with the ax.

He went to his friends about it and they advised him to leave; they said he had killed two men and perhaps they would kill him. So he left and came to Asheville. They followed him and inquired for him at another house, but he made his escape by flight. This is about all I know of outrages committed in my district.

Perhaps I had better state one little fact further. After the first prosecution had failed in the court in Madison I was attacked in a newspaper for attempting to prosecute these parties. That led to a newspaper controversy between myself and the editor, who lived in my town, and we got into an altercation. It happened to be a serious matter; he caned me and I shot him. I have received frequent notices to leave the country, saying that I would be killed. One morning directly after the affair between myself and this editor I got up and found stuck on my gate-post a placard with a picture of a coffin, a pistol, and a dagger upon it, and saying "beware of the Ku-Klux." I have received frequent anonymous letters to about the same effect. Just before the last court in Yancey County I received a communication telling me that if I went there to prosecute them they would kill me.

Question. From all the information derived in your official capacity do you doubt the existence of this secret organization.

Answer. I do not.

Question. Do you doubt the fact of their being bound together by oath to protect and defend each other in the courts?

Answer. I do not doubt it. I am satisfied of it.

Question. Have these offenses taken the character of political questions in any manner in your district, and if so how far?

Answer. I think they have. All the parties engaged in these outrages, so far as I know, belong to one political organization, to wit, what is called the conservative party. All the parties indicted have been, I believe, conservatives. I never heard of any republican being engaged in these marauding expeditions.

Question. Have these proceedings found any apology or justification in the political parties, and if so in what manner?

Answer. Well, sir, I sometimes hear conservatives condemn them, but not as a general thing.

Question. Was the attack made on you to which you have referred, the newspaper attack, of a political character, or did it refer to your conduct as a judicial officer?

Answer. The first attack made on me through the columns of the newspaper was for attempting to indict these parties, and for prostituting my office, as was alleged, to base political purposes. I thought it my duty to reply to it, and did reply, giving about as good as was sent. The altercation, I suppose, grew out of that.

Question. What was the political position of the paper which attacked you?

Answer. It was a conservative paper.

Question. Are you a republican?

Answer. I am.

Question. Is it your belief that the existence of this organization, and the oaths by which its members are bound, offer any impediment to the administration of justice in your district?

Answer. Well, sir, I think where the party is interested they do.

Question. How many counties compose your judicial district, and to what extent does this state of things exist in them?

Answer. The district is composed of seven counties. I have heard of outrages in the counties of Watauga, Madison, Yancey, and Buncombe. I do not recollect hearing of any in the counties of McDowell, Mitchell, or Ashe.

Question. Is there any other organization known to you there of a political character, either secret or otherwise, which interferes with personal rights, or with the administration of justice?

Answer. There is not. There was a political organization existing there until the constitutional election in 1868, called the Union League, but I never heard of any outrage being committed by that party.

Question. Are you a member of the organization?

Answer. I was then; I am not now.

Question. Did its obligations impose any duty to defend its members in court?

Answer. They did not; no obligation that ever I took.

By Mr. HAYARD:

Question. Did you take an oath in the Union League?

Answer. Yes, sir.

Question. Was it a secret society?

Answer. Well, I suppose it was.

Question. Was it composed entirely of members of the republican party?

Answer. It was composed of those who saw proper to join it—anybody.

Question. Are you a native-born North Carolinian?

Answer. Yes, sir; born in Buncombe County.

Question. When were you elected to your office?

Answer. In 1866.

Question. When does your term expire?

Answer. That is a constitutional question that perhaps I ought not to attempt to settle. I am still in office.

Question. Have you been re-elected?

Answer. No, sir; the term is four years, and the constitution provides that officers elected under it shall hold their term of office next after the regular election of members of assembly. It is a constitutional question.

Question. You were elected by the republican party of the district?

Answer. I was elected by the people.

Question. You were a candidate of that party?

Answer. I ran as a candidate of the republican party.

Question. Were you under any political disabilities?

Answer. No, sir, only I could not take the test oath. That is the only disability I have.

Question. How can you hold your present office?

Answer. I am not required to take the oath for a State office.

Question. Were you in the service of the Confederate States?

Answer. I was, and was imprisoned two years. I surrendered my gun and the principle for which I fought, which I do not think the other party have surrendered. They may have surrendered their guns, but not the principle they fought for. I think they still retain it; still hang on to it.

By the CHAIRMAN:

Question. Upon what facts do you base the opinion that the members of that organization adhere to the principles for which they fought?

Answer. I base it upon their conduct, and upon what I hear them say. I know very well that in the spring of 1865, when I got home, all these people were asking for in the world was that the Government should spare their lives.

By Mr. BAYARD:

Question. Who do you mean by these people?

Answer. The conservatives, democrats, or Ku-Klux, whichever you may call them. It was the rebel party then. All they asked for in the world was that the Government should spare their lives. They were willing to surrender everything but their lives. I reckon they thought they would all be hanged. At least I expected to be hanged myself. But after President Johnson commenced trying to conciliate this party they began to look up and speak out and abuse the Government and the authorities. It went on from bad to worse, till it has got to what it is now.

By the CHAIRMAN:

Question. Do you attribute, then, the bitterness of feeling which now characterizes the parties who are asking for the removal of their disabilities to the immunity from punishment which was extended to them?

Answer. I certainly do. I think about the best thing the General Government could have done at the close of the war would have been to hang about five hundred men in North Carolina. That is my idea about it. It seems that they are throwing every obstacle in the way of the General Government they can. They are ostracising and abusing its friends. At least it is so down there. I do not know how it is here. If a northern man comes into our section of the State professing to be a republican, he is certain to be ostracised and isolated. I have known several gentlemen to come from the North to settle in my town. I have one in my mind especially, who appeared to be a very nice, gentlemanly, honorable, enterprising, industrious mechanic. He told me that he could not make his living there; that he would have to leave; that there was great bitterness against him because he was a republican, and from the North. I know another instance, or rather it was told to me previous to my coming on here. A minister from New York City, the Rev. Mr. Pease, came there and went into the Methodist church. The pastor called on him to conclude the services, when several of the congregation got up and left the church, simply because he was a Yankee. That is the state of religious feeling towards those who live in the North.

Question. Where these feelings exist that you have spoken of is it your belief that the removal of disabilities would create a different feeling?

Answer. I do not think it would. I found this answer upon what I have observed.

Question. Can you suggest to the committee any remedy, either legislative or otherwise, for the correction of the wrongs arising out of this political organization?

Answer. Well, sir, I might make a suggestion, and I might not be correct in it. I might make several suggestions as to how these outrages could be stopped. I think there are two ways to stop them. One is the administration of hamp. That might do a great deal toward stopping them—hang the ringleaders of the concern. Another

way would be to pay their debt, compensate them for their emancipated slaves, give them all the offices, and acknowledge the existence of the confederacy. I think that would be effectual on the other side of the question.

By Mr. CHANDLER:

Question. What do you mean by paying their debt? The rebel war debt?

Answer. Yes, sir.

Question. And give the rebels all the offices?

Answer. Yes, sir.

Question. In other words, surrender to the rebels?

Answer. Yes, sir.

Question. Your first answer was the application of hemp?

Answer. Yes, sir, I think that would stop it, too.

Question. In what way would you get at them?

Answer. That is the question. You certainly cannot get at them before the juries. You cannot convict them before the juries. You might do it in the Federal courts, but I am satisfied the State courts cannot do it, from what I have seen.

By the CHAIRMAN:

Question. You say it might be done in the Federal courts; in the counties where these organizations exist are the members of it known, or do they deny their connection with it?

Answer. They deny it; you cannot know them.

Question. How, then, would you avoid getting upon Federal juries the members of the organization?

Answer. In the State courts the jurors are summoned indiscriminately; the names of all the voters in the county are put in the box and they are drawn out indiscriminately; but it is not so, as I understand the law, in the Federal courts; the marshal summons whom he pleases.

Question. So I understand, but if any member of the organization, whether he avows his connection with it or not, gets on the jury, he would prevent a conviction, according to your theory?

Answer. Certainly he would.

Question. Then unless the marshal could absolutely know who belonged to the organization he could not avoid getting such men on the jury?

Answer. He could not, but you would be more likely to avoid getting them in the Federal than the State court, because the marshal could summon, I suppose, whom he pleases.

Question. From your knowledge of the men who are represented to be in this organization, is it largely composed of those who were in the rebel army?

Answer. Yes, sir, nearly everybody in that country was in the rebel army.

Question. Do they keep up any military organization?

Answer. I cannot answer that question. I do not know only as I gather through the papers.

Question. From the investigations you have made, is it in such an organized form as to be readily summoned in case of any emergency?

Answer. I think it could be summoned instantly.

By Mr. BAYARD:

Question. What was the republican majority in your district and county?

Answer. In my district I received about 700 majority; in my county I think it was about 200.

Question. Do you express there the sentiments you have expressed here in reference to these people?

Answer. I do.

Question. Publicly?

Answer. Whenever I am called on I out with it. I think they ought to be hanged, and I take occasion to tell them so.

WASHINGTON, D. C., February 9, 1871.

T. B. KEOGH sworn and examined.

By Mr. RICE, (acting chairman):

Question. Where do you reside?

Answer. In Greensboro, North Carolina.

Question. In what county?

Answer. Guilford county.

Question. What is your occupation or profession?

Answer. I am a lawyer.

Question. How long have you resided in North Carolina?

Answer. I have resided six years in the State.

Question. How long in Guilford County?

Answer. Five years last May.

Question. Have you, in the performance of your professional duties, been called upon to do anything in reference to outrages alleged to have been committed in that county?

Answer. My firm was engaged in the investigation of the murder of Senator Stevens; but I did not give the case my personal attention; my partner had charge of the matter. I think I have been subpoenaed here by mistake for my partner, for all I know about the matter is what I have learned from him when consulting with him.

Question. State what information you have acquired in that way in regard to that case.

Answer. Do you want me to state the details of the murder, as I learned them?

Question. The details are given in the appendix to the late annual message of Governor Holden, which I suppose you have read.

Answer. Does that appendix contain the evidence given in Raleigh, before the judges of the supreme court?

Question. So I understand.

Answer. I have read all of that testimony.

Question. Does the testimony as given on that trial correspond, substantially, with the knowledge you have acquired of the case?

Answer. There are some differences. A man of the name of Hemphill certified on the trial in reference to a statement which I understood, and still understand, that he made to Judge Tourgee—that he belonged to the Klan in Caswell County. In the testimony which he gave on the trial, he said that he had not made any such statement. I understand that to be contrary to the truth. I understood, and still understand, and so does my partner, Mr. Ball, that Mr. Hemphill belonged to the order, and gave Mr. Stevens to understand that he continued his connection with it for the purpose of serving him, Mr. Stevens; of advising him in regard to any action that might be taken by the Klan in regard to him; and that on several occasions he did advise Mr. Stevens that the order had met to consider his case. One case in particular I recollect very well, when Hemphill notified Mr. Stevens that the order had met at the house of the sheriff, and had determined to murder him (Stevens) on a certain night. I understood that as coming from Hemphill. Now, as I understand it, he does not, at Raleigh, testify to that fact.

Question. Did you understand from that trial that this order existed at that time in Caswell County?

Answer. I did so understand.

Question. Will you state your information in regard to the murder of Mr. Stevens?

Answer. Commencing on the day of the murder?

Question. Give us what information you have in regard to the first matter that bears upon the murder. If there were any threats prior to the murder, state what they were.

Answer. On a certain day during the session of the court—I do not recollect what session it was; it was a session preceding the time when the murder was committed—

By Mr. BAYARD:

Question. In what month and year?

Answer. I think the term was held in March, 1870. My recollection is that Hemphill at that time notified Mr. Stevens that the order had met at the house of the sheriff of the county.

By Mr. RICE:

Question. Was this notification made in your presence?

Answer. No, sir; my partner told me about it. My information is not direct, but from my partner.

By Mr. BAYARD:

Question. Was your partner examined at all as a witness in this case?

Answer. No, sir.

Question. He was counsel in the case?

Answer. Yes, sir. As I understood from him, this man Hemphill went to Mr. Stevens and notified him that the order had held a meeting on a certain night, and there determined to murder him, and to do it at his house on some night during the court week. Then about dusk that evening Hemphill notified Mr. Stevens that the matter had been abandoned; and then Stevens told some parties who had agreed to come to his house that night that they need not come; that he had been notified that they had abandoned their design to attack him that night. Nothing else occurred in reference to that matter, that I know of, until the day Mr. Stevens was murdered, the 21st of May. As to the details of the murder, they are given more fully in the testimony that was taken on the trial than I can give them.

By Mr. RICE:

Question. State them as you understand them, so they may be put on record here.

Answer. There was a political meeting at the court-house that day—a conservative meeting. Mr. Stevens went there and took down some remarks made by a Mr. Hodnett, referring to him, Stevens, very particularly. While in the court-house Mr. Wiley stepped up to him and asked him to go down stairs with him, which he did. That is the last I know of his having been seen alone, except that one or two colored men swear they saw him standing in the hall below. I have not traced it any further than that. The next I know of the matter Mr. Stevens was found dead the next morning, in a room of the court-house which had been used by the clerk and master in equity, but which was then not used. There was nothing in it but some wood—no papers—when the body was found in it.

Question. He was dead when found?

Answer. Yes, sir; he had been stabbed twice in the neck, and there was a rope about his neck. The body had been placed in a sitting position on the floor, with a stick of wood at the back to keep it upright. He was not seen alive after leaving the room up stairs that afternoon, except, as I said before, some two or three witnesses testified that they thought they saw him in the hall below talking with Mr. Wiley and some one else.

Question. Was there any attempt made to ascertain who the parties were who had committed the murder, and to prosecute them?

Answer. Yes, sir; the coroner's investigation was as thorough as it could be made, but it elicited nothing.

Question. No testimony?

Answer. None at all that indicated who the murderer was.

Question. Was any indictment over found?

Answer. No, sir; some parties were bound over to appear at the last term of the court, but I think the grand jury notified the solicitor that they had no testimony upon which they could find any indictment against anybody. And there the matter dropped.

Question. Have you any information as to the existence of the Ku-Klux organization, as it is popularly termed, in Caswell County?

Answer. Nothing, except what I have heard in that way.

Question. What is your information as to the number of persons who belong to the organization?

Answer. My information is that a majority of the conservative party in the State belong to it. I judge that from my own county, the number of men who belong to it there, and the character of those who I understand belong to it in other counties.

Question. There is such an organization in your county?

Answer. So gentlemen there admit to me; they tell me they belong to it.

Question. What strength do they give the organization in your county?

Answer. I have never heard them say. I have heard it stated that it was probably about eight hundred strong in the county.

Question. What is the voting strength of the county?

Answer. Something over four thousand.

Question. What is the conservative vote?

Answer. I do not now recollect exactly what is the conservative vote. The white vote is about 2,700, and the colored vote from 1,500 to 1,700, I think. I have never paid much attention to the number of voters in the county. The conservatives carried the county at the last regular election by from 150 to 170 votes.

Question. The parties are nearly evenly balanced?

Answer. Yes, sir; the republicans carried the county two years ago by, I think, 500 votes; perhaps something more.

Question. Have there been any outrages committed in your county?

Answer. I have heard of some whippings.

Question. When?

Answer. A year and a half ago.

Question. None recently?

Answer. None that I know of.

Question. Generally what class of persons was whipped?

Answer. My information is that they are generally colored people, or poor white people.

Question. Of what political party?

Answer. Republicans generally; I do not know of any instances in the State where a conservative has been whipped; I have never heard of any such instance, that I now recollect. There was a man of the name of Jones whipped in Caswell County before Mr. Stevens was murdered. He was badly scourged; I do not know how many lashes they did give him, but his whole back was one sore. He was a white man, a republican, who lived in Caswell County. There never was any reason ascribed for whipping him but his politics.

By Mr. BAYARD:

Question. Who ascribed that reason?

Answer. Gentlemen in Caswell County.

By Mr. REE:

Question. You say you have conversed with persons in your county who professed to belong to that order?

Answer. Yes, sir; gentlemen in the city I live in have spoken to me about it, and have said that they belonged to it.

Question. What did they tell you as to their mode of appearing in disguise?

Answer. They never have spoken to me about that.

Question. What is your understanding about the disguises they adopt?

Answer. I have seen what was called one of their disguises, said to have been captured in Orange County; I saw it in Raleigh. It was made of common cotton sheeting, and covered the head and also the body. The same material is used to cover their horses when on their raids. The one that I saw was gotten up in pretty good style. I examined it carefully. The mask for the head had horns on it, all fixed up and padded with cotton.

Question. Is it your opinion that they generally go armed on their raids?

Answer. I cannot say about that. All I know about it is that in their raids they go masked and disguised. I have never heard whether they were generally armed or not.

Question. Do they make any public manifestations of violence, or are their acts generally committed secretly?

Answer. I think they are generally committed secretly and at night.

Question. By attacking unprotected houses and by assassination?

Answer. Yes, sir; that is the only way they ever do, so far as I have been informed. For instance, men from one county or section of country go into another county. I have heard a conservative gentleman speak of that, of parties from one county going into another county.

Question. Does either political party, or members of either political party, apologize for or justify this violence?

Answer. I have heard gentlemen of the conservative party speak of these acts of violence, and speak harshly, too, of those who participated in them. Others, I think, countenance them. But there are gentlemen down there who are conservatives who do not countenance such acts.

Question. How about the majority?

Answer. The majority are controlled by a few leading men of the party; but the leaders do not say anything about the order publicly. If they would come out and denounce it publicly, I presume their followers, as they might properly be termed, would not have anything at all to do with those outrages—would not participate in them. One or two gentlemen in my place have denounced the Ku-Klux and the outrages committed by them several times in public speeches. I do not know that that is done or has been done in other counties.

Question. Is there, so far as your observation goes, any public opinion outside of the order that sustains them?

Answer. I cannot say that there is any public opinion that sustains them, because there is no public opinion of that kind formed. I think the order is kept up because there is no public opinion formed against it. But there is no effort that I know of to maintain a public opinion in favor of it.

Question. There is not, on the conservative side, any public opinion against it?

Answer. No, sir; none formed and expressed.

Question. Now is it on the republican side?

Answer. The republicans, of course, denounce all those outrages; they cannot do otherwise, because they have been the sufferers from them to a very great extent, and they are constantly denouncing them.

Question. Is there, or not, at present, any fear in your county in regard to the security of life and property?

Answer. Not that I know of.

Question. Among the republicans or any others?

Answer. There may be among some of the republicans; I do not know how that is. As for myself I consider that life and property is safe there; that is a very good county; there is a very good class of people—law-abiding people—in that county.

Question. Does your practice call you into other counties?

Answer. Yes, sir; into three other counties.

Question. What counties?

Answer. Randolph, Caswell, and Rockingham.

Question. What is the condition of those counties?

Answer. Rockingham County was turbulent for awhile. They had some trouble there; but Judge Settle undertook to stop it; he had the co-operation of a leading conservative man in the county, Governor Reid, and I think they put it down.

Question. How is it in Caswell County?

Answer. They have had trouble there for the last two years.

Question. Do you regard life and property entirely safe there?

Answer. I do not know; I could not very well answer that question. I am satisfied

there are people there who are not safe, or who would not be safe if they took much part in politics. It is difficult for me to give any reason for that belief. I do not live in the county, and do not know that to be the case. If I lived among the people, I could tell better about it.

Question. That is your observation?

Answer. Not so much my observation as a feeling I have from hearing others talk about the matter. I have been there myself, but I have never felt insecure there; in fact, I have never felt insecure anywhere in the State. But still I know there are people who are constantly fearing danger.

Question. How about Randolph County?

Answer. So far as I know, there have been no outrages there.

Question. Is this order or organization supposed to exist there?

Answer. Yes, sir; it is supposed to exist in all the counties in the State; that is my understanding of it, and it is not denied down there.

Question. What is your opinion about the effect of firm action among the conservatives? If they were to openly denounce and try to put down this order, what do you think would be the result?

Answer. I think it would be put down if the leading conservatives were to take a firm public stand against it. I have never met one yet, that I have spoken to, who does not denounce it privately. But, with the exception of a few, they have not taken the pains to denounce it publicly. There are a great many conservatives, and leading citizens, too, who never would admit, till last summer, that there was any such organization.

Question. What has been the course of the leading conservative politicians and papers in their public declarations on the subject?

Answer. I think their course has been to justify the action of the order, by keeping before the people the fact of the existence of the Union League, and inferentially arguing that there was a necessity for a counter association or organization.

By Mr. BAYARD:

Question. What is the name of your law firm?

Answer. Ball & Koogh.

Question. By whom were you retained in the Stevens case?

Answer. We had been counsel for Mr. Stevens when he was alive, and after his murder his widow retained us.

Question. You conducted the prosecution?

Answer. We undertook it, but abandoned it afterward, because we made up our minds that it was useless to go on.

Question. You are a member of the republican party, I suppose?

Answer. Yes, sir.

Question. Your opinions are held openly by you in your county?

Answer. Yes, sir.

Question. Have you ever been disturbed in the expression of your political views?

Answer. I have not.

Question. Have you ever hesitated to express them publicly or privately?

Answer. Never.

Question. Did you ever canvass your county at all, and speak publicly?

Answer. No, sir; I do not participate much in politics. I am a member of the State executive committee, but do not take much part openly in any canvass.

Question. In the practice of your profession, in your experience in the courts as counsel, do you find that the laws are fairly administered, and are efficient for the protection of life and property in the district where you practice?

Answer. It is difficult to answer that question.

Question. Answer it, of course, in your own way, with any qualifications you desire. It is an ordinary question, whether or not the laws are enforced in your county.

Answer. I know that the disposition of the officers there is to properly enforce the laws, but many times things occur to prevent what we consider a proper administration of justice. I do not know that the courts could be held responsible for that.

Question. I am not speaking with any design to find fault with the courts.

Answer. You asked me to give my opinion whether the laws are administered there properly and thoroughly.

Question. Well; what is your answer to that?

Answer. My answer is, that in some instances, where parties, for instance, are concerned in outrages committed by the order of which we have been speaking, my observation is that there are no convictions. I know that people have been whipped and scourged, and some have been killed; but the guilty have never been brought to punishment. Of course, the courts are the proper tribunals to award the punishment, but they have never been able to do it in any of those cases. Arguing from that, I think the laws have not been administered as they should have been. I do not say that is the fault of the courts, but it is the result of a combination outside of the

courts that prevents the administration of justice in those particular cases. An alibi is proved in nearly every case. Now, it is very singular that in all these cases the defense should be the general line of defense, and they always prove an alibi without any difficulty.

Question. Is not that a common defense in all criminal cases?

Answer. Not according to my observation, which, of course, has not been so extensive as yours has been. I have thought it very singular that in all these cases the defense should be the same, and that an alibi could be proved with so little difficulty. It seems as if it was the result of concert outside of the court.

Question. Those are but suspicions of yours?

Answer. Yes, sir.

Question. That is what you mean?

Answer. Yes, sir.

Question. You have no other ground than that for your statement?

Answer. No, sir; I have not.

Question. Is your legal process interfered with at all in its execution?

Answer. Not that I know of.

Question. You say that you have, yourself, never experienced any molestation?

Answer. No, sir.

Question. For any expression of your political views?

Answer. I never have.

Question. And you have felt perfectly secure there in your person and property wherever you have been?

Answer. Yes, sir; I have always felt so. I have lived in Greensboro most of the time since I have been in the State.

Question. Where were you during the war?

Answer. I was in the West.

Question. When?

Answer. Much of the time with the Army in Tennessee and Mississippi.

Question. How were you engaged there?

Answer. Part of the time I was down there as a newspaper correspondent for a Western paper.

Question. What paper?

Answer. The Milwaukee News.

Question. Where were you born?

Answer. In Utica, New York.

Question. Were you what is termed a war correspondent for the paper you have named?

Answer. No, sir; I was not regularly attached to the press with the Army, though that was my business at one time.

Question. Have you held any official position in North Carolina?

Answer. I am now holding the office of register in bankruptcy, and have been for two years.

Question. A United States office?

Answer. Yes, sir.

Question. Have you held any other official position there?

Answer. No, sir. I am a member of the State executive committee; but that is not an official position.

Question. Of the republican State executive committee?

Answer. Yes, sir.

Question. Are you connected with any newspaper now?

Answer. No, sir; except that I have a pecuniary interest in one.

Question. Which one?

Answer. The republican paper in my place. I have been connected with it as one of the stockholders; I have no other connection with the press.

WASHINGTON, D. C., February 9, 1871.

ROBERT W. LOGAN sworn and examined.

By Mr. RICE:

Question. Where do you reside?

Answer. In Rutherfordton, Rutherford County, North Carolina.

Question. How long have you resided there?

Answer. I was born and raised in the county.

Question. What is your occupation?

Answer. I am editor of a newspaper and deputy United States marshal. I have been elected mayor of the village.

Question. Please make a general statement of what you know in regard to the security of life and property in that county?

Answer. Well, sir, in the county of Rutherford we have never had much trouble. I do not think there is much danger at this time in our county, from the fact that the republican party has been largely in the ascendancy. We had a little trouble there about a year ago—I think it was the 23rd of February last. A body of disguised men—we called them Ku-Klux—made a raid through the county and committed some depredations; whipped and abused several persons. Since that we have had no outbreaks in our county of any consequence. I understood, a day or two before I left home, that there had been a little outrage in the lower edge of the county, not amounting to much, however.

Question. Who were the persons whipped?

Answer. There was a white man by the name of Almon Owens and a colored man by the name of Nelson Burge, and an old colored lady by the name of Ibbv Jukins. Then there was a white lady, the wife of James McGaha, abused, jerked about, but not whipped. She was punched probably with guns and pistols, at the same time she was in a critical condition.

Question. On what account were these whippings supposed to have been done?

Answer. Well, sir, they did not give any general reason for it according to the evidence we had. We had the party arrested and bound over to court, but the case has not been tried yet. The evidence varied as to what they gave as the cause of the whipping. In the case of Burge, the colored man, they told him it was for voting the radical ticket. As for Owens, they accused him of reporting illicit distillers, I think. I believe their excuse for whipping the old colored woman was that she had been having intercourse with a white man, or something of that sort. They went to the house of McGaha, and did not tell what they wanted of him, and abused his wife because she would not tell where he was.

Question. What was the politics of the parties injured?

Answer. The parties that were whipped and abused were all republicans, with the exception of Owens. He had been considered a democrat or conservative.

Question. Is it your understanding that the order exists in your county?

Answer. Yes, sir; that is my belief, from general information, that they exist there in pretty large numbers.

Question. How large?

Answer. I should say, to the best of my judgment, in the county of Rutherford there are some three or four hundred that belong to the order.

Question. Can you state how public opinion stands in that county in regard to sustaining or condemning the order?

Answer. It is condemned by the republican party, and occasionally you hear a member of the conservative party condemn it, but they are very few; you cannot get them to say anything in public against it. Talk with them privately, and they will generally deny the existence of the order. Some of them say they think it is wrong, and ought to be put a stop to; still they will not take any steps publicly against it, nor publicly denounce it, and if parties are taken up they seem to sympathize with them and try to aid them. When the parties were arrested for whipping and abusing those that I have named, a great deal of excitement prevailed in our village, and while the investigation was going on in our village the conservative party generally took a great deal of interest in aiding them and helping them to hunt up witnesses.

Question. What is the tone of the public press and public speeches?

Answer. There has been but little public speaking in the county since the last election for the general assembly. The conservative candidate for the legislature was not an extreme man. He was pretty bitter against the republican party, but he is rather a cautious man and did not say anything particular against the Government. He did not endorse the order; at the same time I never heard him say anything against it.

Question. What, in your opinion, would be the effect upon the order if the leading conservatives should unite in condemning it publicly as well as privately, and trying to put it down?

Answer. The time has been when they could have stopped the thing without much trouble, I think; but I doubt now if it has not gone so far that they could not stop it.

Question. Are you acquainted in the adjoining counties?

Answer. I am in Cleveland County, just below where I live.

Question. State, if you know, what is the condition of that county.

Answer. That county is in a very bad condition. Persons in disguise have been riding through it and committing numerous depredations for a few months past.

Question. Can you state any cases?

Answer. I can give one or two instances, but not generally; there are so many of them.

Question. Of what nature were they?

Answer. Whipping, shooting, burning; all kinds of depredations. As I came through the county on my way here, they told me there had not been a night since just before Christmas but what they had been soon riding, and that they had been committing depredations nearly every night. Some nights they had just rode around through dif-

ferent neighborhoods and done nothing. About a week or ten days before Christmas, there was a party of about thirty of the Ku-Klux order went to the house of an uncle of mine, about a mile or two below the Rutherford line, in Cleveland County. They first went into the kitchen, where the colored people were living—some four or five colored men and women—and made some inquiries about my uncle, to know whether he was at home or not. They then went off, and came back again in about fifteen minutes; went to the kitchen again, took all the colored men out, talked to them, and made various threats, and one of them by the name of Dick Bean they carried off up the lane some two hundred yards from the house, and commenced beating him with sticks and clubs very severely. He told me he concluded it was life or death any way, and so he made a struggle and got loose, and as he ran off they fired at him. Some members of the family told me they thought there were at least twenty or twenty-five guns fired. One ball took effect, striking his hip and passing through his leg. It was a very severe but not a serious wound. He got away. While they were at the house they broke open the trunks, closets, &c., took what money and jewelry they could find, and made all the colored men promise they would never vote the radical ticket again.

Question. Did you understand that these parties were in disguise?

Answer. Yes, sir; generally disguised; a few of them were not.

Question. Do you know the details of any other case?

Answer. I was told when I passed through the county of a man who had been whipped in the upper end of the county; I forget his name. He was a school teacher, and said to be a man of very good character. They went to the house where he lived, (he was keeping house for himself and had an old colored woman to cook for him,) took him out, and whipped him severely, as I understood. I did not hear the particulars.

Question. Did you learn anything of the strength of the order in the county of Cleveland?

Answer. I only heard opinions expressed by men living in the county. It is a conservative county by a large majority. It is generally believed that nearly every member of the party belongs to the organization.

Question. Have you been in the county much?

Answer. Yes, sir; frequently.

Question. What is the state of public opinion there in regard to sustaining or condemning it?

Answer. Well, sir, I think it is generally sympathized with.

Question. By whom?

Answer. By the conservative party. In fact, I am pretty well satisfied there are but few of them but what belong to the organization in that county, judging from their actions and words.

Question. Have you had intercourse enough with those that are acting in harmony with the order to form an opinion as to their loyalty or disloyalty to the Federal Government?

Answer. Well, sir, I have an opinion of my own.

Question. From what source did you get it?

Answer. From general information and what I know of them. I have been editor of a newspaper in Rutherford County ever since the surrender, and I have paid a great deal of attention to their movements and actions.

Question. What is your judgment?

Answer. My notion is that, generally, they hate the Government as badly as they ever did.

Question. In case the Government of the United States should be involved in war with some foreign power, could or could not the leaders induce this organization to join with the enemies of the Government?

Answer. My opinion is that they could do it easily. It would be just what they would want. I think a majority of them would very readily join any power against the United States, if there was any hope of success. I do not know that they would do it where they thought they would probably be punished for it in the end; but if they had any hope of success, I do not think they would hesitate a moment.

Question. From your understanding of the organization, would it be easy, in your opinion, to collect a force throughout the State?

Answer. Yes, sir; my notion is that they are well organized, and that they could be called out at a moment's warning.

Question. In the portion of the State where you are acquainted, what is your opinion in regard to the security of life and property?

Answer. Well, sir, in my county, so far, up to this time, I do not think there is really much danger.

Question. How is it in the counties where you are acquainted in which the other party have a majority?

Answer. In Cleveland County I think it is very dangerous to both life and property.

I am acquainted with the leaders of the republican party in that county, and I know they are all afraid to say anything or do anything. They are kept in dread of their lives all the time. At least they tell me so themselves.

Question. Were you there during the war?

Answer. Yes, sir.

Question. Were there more or less loyal people through that section of the country?

Answer. There were in my county; but in Cleveland County there were not many. It was considered one of the strongest secession counties in the State.

Question. What is the difference in the character of the danger that exists now to loyal men and that which existed during the war?

Answer. Well, sir, it was pretty much the same. I think they are just as bitter toward loyal men now as they were during the war, only they had the power then to punish them openly, which they have not now. The loyal men were not so bold then as they are now; they would not talk out then, for fear of being taken up and executed.

Question. How is it in regard to fear of assassination as between now and at that time? Was it greater then than now?

Answer. Well, sir, there was more fear of assassination by mobs during the war than there is now; but at the same time I think that in those sections where the Ku-Klux have a majority the loyal people are now in more fear of their lives than they were then, because they do not know at what hour or what time the Ku-Klux are coming. They come in disguise at the dead hour of the night, and people cannot take a good night's rest.

Question. Have any of those parties in Cleveland County been brought to justice, tried, and convicted?

Answer. No, sir.

Question. Have any been arrested?

Answer. I do not believe there has ever been a bill found against them by the grand jury. It would be a difficult matter to do it. An effort or two has been made to find bills, as I understand from parties in the county, where the evidence was pretty complete, but the jury did not bring in a bill.

By Mr. BAYARD:

Question. Is there any trouble in your own county in finding bills and convicting?

Answer. We have had only one case in our county where the grand jury found a bill, and the trial has been removed to the adjoining county. The case has never been tried.

Question. How large is the republican majority in your county?

Answer. It has been pretty large. At the last election it was about 2/3 on the average.

Question. What is the entire vote?

Answer. About 2,000.

Question. How much of that is white?

Answer. About 1,600.

Question. Leaving about 400 colored?

Answer. The register is 2,200, but the vote is about 2,000.

Question. What majority had you two years ago?

Answer. About 600. In the presidential campaign we carried the county by 900.

Question. What was your occupation during the war?

Answer. I was not of age to be called into the service till about 1863. In the winter of 1863, being 18 years of age, I came within the conscription; and my father having succeeded in getting an appointment in the adjutant general's office, sent me to Raleigh, where I remained eleven months, and was elected entry taker by the county court of Rutherford, and returned home.

Question. How long were you in the adjutant general's office?

Answer. Eleven months.

Question. As clerk?

Answer. Yes, sir.

Question. Did that put you under any disabilities?

Answer. No, sir.

Question. Were you able at the end of the war to take the iron-clad oath?

Answer. No, sir; but I was not barred by the fourteenth amendment.

Question. You could not take the oath?

Answer. There is some doubt about that; I have known men to differ about it.

Question. What is the name of your newspaper?

Answer. The Rutherford Star.

Question. It supports the radical party?

Answer. Yes, sir.

Question. You say you have been deputy marshal?

Answer. I have a commission as such, but I have not been doing any duty for some time.

Question. Still you hold the commission?

Answer. Yes, sir.

Question. You were elected mayor of the town you live in?

Answer. Yes, sir.

Question. What is your present age?

Answer. Twenty-five years old last September.

Question. You have spoken of this organization and its numbers. Is your knowledge of its numbers derived from personal observation or from the opinion of others?

Answer. Not from personal knowledge; it is just from the general opinion of the class of men belonging to the organization.

Question. That is, your estimate is founded —

Answer. Upon my opinion of such men as belong to it.

Question. You have no personal knowledge?

Answer. No, sir; I know nothing about it personally.

Question. Did you ever serve processes as marshal throughout your county and district?

Answer. Yes, sir; I have served numerous processes.

Question. In doing so have you met with any molestation?

Answer. No, sir. I have not served any for the last twelve months. During that time my duty as marshal has been principally collecting. There is another assistant marshal in the county who has taken the other business, pretty much.

Question. You mean under writs of execution?

Answer. Yes, sir; I am a bonded deputy, and he is not.

Question. Have you as deputy marshal made sales of property in that way?

Answer. Yes, sir.

Question. Did you ever meet with any molestation in the performance of such duty?

Answer. No, sir.

Question. Did you assist in taking the census?

Answer. Yes, sir.

Question. Do you know of any organizations called Union Leagues in your county?

Answer. I do.

Question. When were they first formed?

Answer. I think about the first organization in my county was a short time before the presidential election in 1868.

Question. Were you a member of it?

Answer. Yes, sir; I was vice-president.

Question. Was your society bound by an oath?

Answer. Yes, sir.

Question. What is the extent of your society in numbers?

Answer. We had in our county, to the best of my recollection, 1,200 or 1,400 members.

Question. Was that society in the interest of the republican party?

Answer. Yes, sir, in the interest of the Union.

Question. Were the negroes members of it?

Answer. Yes, sir.

By Mr. RICE:

Question. Was violence any part of the creed of that order?

Answer. No, sir. I never saw nor heard of anything in the order that tended to violence of any kind. It was the opposite. It counseled peace and submission to the Government and its laws.

By Mr. BAYARD:

Question. Did you attend your elections during 1868 and 1870?

Answer. Yes, sir.

Question. Were they orderly and quiet?

Answer. Oh, yes, sir.

Question. Conducted without intimidation?

Answer. Yes, sir, I think they were.

Question. Any man voted as he pleased?

Answer. Yes, sir.

WASHINGTON, D. C., February 11, 1871.

A. T. DAVIDSON sworn and examined.

By the CHAIRMAN:

Question. In what part of North Carolina do you reside?

Answer. In the western part of the State; in Asheville.

Question. How long have you resided there?

Answer. Nearly fifty-two years. I shall be fifty-two years old in May next.

Question. What is your present occupation, and what public positions have you held in the State, which would afford you an opportunity to know the people and condition of the State?

Answer. I am a lawyer by profession; I have held a few local county offices. My law license is date 1 in 1846, and I have continually practiced law there, now about twenty-six years. During the time I was a law student and in a law office I was clerk and master of the court in Haywood County, and when I had got my license and had entered upon the practice of my profession I was county solicitor for a few years of one of the counties of the circuit in which I practiced. I was continually in practice up to 1861, when the war broke out, and was then elected a member of the State convention of North Carolina of 1861, and I was elected by that convention a member of the confederate provisional congress. I served in the confederate congress until the spring of 1864. Since the war I have been continuously engaged in my profession, and nothing else; I have held no office since then.

Question. Through what portions of the State does your professional duties take you?

Answer. My circuit comprises the entire twelfth judicial circuit, and a part of the eleventh circuit.

Question. Embracing what counties?

Answer. The twelfth district is composed of the counties of Cherokee, Clay, Macon, Jackson, Haywood, Transylvania, and Henderson, seven counties. I also practice in two counties of the eleventh district, Buncombe and Madison, and sometimes in Yancey County. About ten counties comprise my circuit.

Question. Do you know, or have you any reliable information, of outrages committed in either of those counties upon persons or property by alleged secret organizations?

Answer. I do not know of any. I have no knowledge of them at all.

Question. Have you information upon which you base a belief of such outrages having been committed in either of those counties?

Answer. That would be bare opinion. I have heard of local difficulties in neighborhoods. But my information, so far as it goes, is that there is no secret organization in that part of the State whose purpose it is to violate the law. I have heard of one or two difficulties. I will mention one. There was a difficulty in one neighborhood, in the eleventh circuit, out of which grew some personal altercations. But I do not know about the facts. It is strenuously alleged on one side and denied on the other that there is a secret political organization. I know nothing about it of my own knowledge.

Question. Have you had before you in any manner sufficient evidence to satisfy your mind whether there does or does not exist a secret organization popularly known as the Ku-Klux organization?

Answer. I have had nothing before me of that kind. I have never been approached by a single man in any way connected with it. I have had no legal investigation in regard to it.

Question. Have you any belief on the subject as to whether such an organization does or does not exist?

Answer. Yes, sir; I think I have.

Question. What is it?

Answer. My opinion is this: from what I can learn, I do not think such an organization exists in the State, west of the Blue Ridge; I think there are political organizations there, but I do not think they are of that peculiar cast; that has been my opinion.

Question. If you have any information, of a sufficiently reliable character for you to base a belief upon, of the existence of any secret political organization, let it be what it may, the purposes or operations of which have been calculated to interfere with the security of person and property, state to us fully what it is.

Answer. I do not think it goes so far as to affect the rights of person and property. I know, or at least that has been my information, that on both sides of the question there have been political organizations; on the one side the Union League, and on the other side an organization to counteract the Union League. I have understood that in the county of Haywood there have been political clubs, as they term them, but I have never heard, nor do I believe, that there is any political organization there that appears in disguises or does anything to affect the rights of person or property.

Question. You make that statement as applicable to the twelfth judicial district and the portion of the eleventh district in which you practice your profession?

Answer. Yes, sir.

Question. Have you any knowledge upon the subject extending to other portions of the State?

Answer. Nothing but general rumor, growing out of affairs in the State, as well stated in the record perhaps as I can state it. I have heard of outrages committed in Alamance and Caswell Counties, but I know nothing about them. They undertake, on the one side, to account for those calamities there and to excuse them by saying that there is good cause for them; but I know nothing of them myself.

Question. In reference to those counties in which it is alleged these outrages have occurred, is there any division of political sentiment in reference to upholding or condemning them? If so, tell us what the division of sentiment is.

Answer. Do you mean that those difficulties grow out of political opinion?

Question. Do they assume a partizan aspect? If so, tell us upon which side the parties arrange themselves.

Answer. I do not know that my opinion upon that point would be worth anything. My information is, that what is called the Ku-Klux Klan is a political organization as contradistinguished from the Union League. They oppose themselves to each other; that has been my understanding of it. The Union Leagues are what are termed the radicals, and the others are of the opposite party, whatever you term them. That is my understanding of it.

Question. Have you sufficient knowledge of either of those organizations, or of both of them, to tell us your belief of the purposes of each and their modes of operation?

Answer. I have no particular knowledge. The Union League, as I understand it, is for the purpose of carrying out their peculiar political ideas. Its purpose is to organize for the purpose of concentrating their strength at the polls; and I have understood that the Ku-Klux is an organization opposed to the Union League, for the purpose of carrying out their political views; that is what I have understood.

Question. Have you, in any instance, understood that the purposes of the Union League have been sought to be accomplished by violence or wrong inflicted upon their opponents?

Answer. I have never heard anything of the kind. I have no knowledge that such has been their purpose.

Question. Have you understood that what is popularly known as the Ku-Klux have in any instance sought to accomplish their purposes by outrages and wrongs upon their opponents?

Answer. I have understood, from the rumors which have been circulated, that such has been the fact; that there has been some violence on their part, some disguises, &c.; but I know nothing of it myself.

Question. Have these outrages produced any division of sentiment between parties in regard to them?

Answer. Yes, sir; there is a division of sentiment, of course. I do not want to be understood as saying that I regard the Ku-Klux Klan, if any such organization is in existence, as comprising the opposing political sentiment to the Union Leagues; it comprises only a portion of it. I do not think that organization is by any means to be regarded as the representative idea of the opposition to the Union Leagues in that State; I think it is but a fragment or a fraction of it.

Question. Our desire here is to get at all the facts that bear upon the security of persons and property in the South. Do these wrongs, which it is alleged have been perpetrated by the Ku-Klux organization, receive any countenance and support from the leading men and newspapers of the conservative party?

Answer. I think not; that is my opinion. I think all the reliable men, who have at heart the good of the State and the peace and order of society, do not give that Ku-Klux organization any encouragement whatever; that is, so far as my knowledge extends.

Question. Have they given aid and encouragement to efforts to bring them to justice?

Answer. I think it is the desire of the best part of the community to bring them to justice and to enforce the laws.

Question. Have you been in any of the counties where these outrages have been committed?

Answer. I have passed through them; I have a great many acquaintances in those counties; but I do not profess to state my own knowledge of the matter.

Question. Have you any information of any of that organization having been arrested and convicted?

Answer. I do not know that I have or have not. I have heard of some convictions down in those counties, but I do not know anything about the facts.

Question. Where prosecutions have grown out of these alleged outrages, have you sufficient knowledge of the proceedings in the courts to be able to say whether there has been any obstruction of the administration of justice growing out of this organization?

Answer. I am satisfied from my observation that there is nothing of that kind in the two circuits where I practice. I have had a great deal of experience in criminal practice; I will state as a matter of information, and in order to give the committee an idea of my criminal practice, that from 1855 until now I have defended in the courts from fifteen to twenty persons charged with capital felonies.

Question. In all cases in your courts, whether civil or criminal, that do not partake of any political feeling or character, is there any difficulty in obtaining justice between man and man?

Answer. I think not.

Question. Does that remark apply to the whole State?

Answer. To my circuit. There is no complaint in my part of the State. We have local personal feuds, but I do not think they are more common there now than they have been in years gone by. I am satisfied of one fact, that in the mountain region of the

State, west of the Blue Ridge, political excitement is not so great now as it has been in years gone by; it is not half as great as it was in 1840; it is not equal to the excitement in 1844. It seems to me that our people have been scrupulously careful, since the war, on account of the sensitiveness of the community, growing out of the feelings created by the war. I refer to the better portion of the community. There is a floating population, spread out more or less all over the State, who are irresponsible and demoralized in consequence of the war, whose acts have produced some quivering in the public pulse.

Question. Is there in North Carolina any organized opposition to the execution of the reconstruction acts?

Answer. I think not.

Question. Is there any disposition or desire to deprive the colored people of the State of any of the rights to which they are now entitled under the constitutional amendments?

Answer. Not in my section of the State.

Question. In the State at large?

Answer. I think not. That is merely my opinion. I think those who are opposed to what we call the radical party there are not opposed to allowing what has been allowed by the Constitution to the colored people.

Question. You have stated a fact upon which I will base a question, not for the purpose of obtaining your personal history, but for the purpose of obtaining information on another point. You have stated that you were a member of the State convention of North Carolina in 1861?

Answer. Yes, sir.

Question. Did you in that convention vote for or against the secession of your State?

Answer. I voted for secession.

Question. Judging from your knowledge of the state of public sentiment in the State at this time, were the same question again to arise is it your belief that those who were in favor of secession in 1861 would again take that position in reference to the United States?

Answer. It would be very hard to answer that question. I could not say that they would or would not do so. Allow me to make a preliminary statement as to my condition in that matter. Our State had voted against secession in February, 1861. It refused to secede until Virginia, South Carolina, and perhaps Tennessee, had seceded. Then the legislature of the State called a convention. I think a majority of the members of the convention, in 1861, when they assembled were opposed, in the first instance, to secession. The secession of our State grew more out of circumstances, out of the geographical position of the State and its surroundings, than it did out of the intrinsic merits of the question. I think that secession was then attributable more to the geographical position of the State than to the public sentiment. We were cut off from the Federal Government, with violent surroundings all about us. A state of circumstances might be brought about again—I do not apprehend it; nobody contemplates it—that might lead to the same result.

By Mr. BAYARD:

Question. Is there anything of that sentiment now exhibited in the spontaneous discussions of the people?

Answer. Our people are very far from that.

By the CHAIRMAN:

Question. Do those of the people who in 1861 advocated secession now yield that right, or do they still maintain it?

Answer. I do not think the question is discussed at all, pro or con. It is given up as a fixed fact that that question has been settled by the arbitrament of the sword, and nobody insists upon it now.

Question. Is there a public sentiment on that question?

Answer. I think so.

Question. What is it?

Answer. It is that the established doctrine of the Government of the United States is that the States have no right to secede, and that they should not insist upon it.

Question. You view it in that light yourself?

Answer. Yes, sir; I never was in favor of the abstract doctrine of secession. I did not maintain that at all.

Question. I have put these questions not merely to ascertain your personal opinion upon the matter, but to get at the public sentiment on the question.

Answer. Yes, sir; I understand that; I think that is the public sentiment.

Question. Is there any apprehension, such as would probably lead to a disturbance of the public security of North Carolina, that the present legislature of the State will interfere with the rights of any of the people of the United States under the constitutional amendments or the reconstruction acts of Congress?

Answer. No, sir; there is no apprehension of that kind; and I do not think there is any disposition to do anything of the kind. The present effort in North Carolina is to regulate our own local affairs. The constitution that has been adopted there is unsuited to our people, scattered sparsely over a large extent of territory. We regard it rather as a commercial constitution and unsuited to us. If I know anything about the sentiment there, and I think I do know something about it, it is in favor of remodeling our State constitution so as to make it better suited to our people, observing strictly and carefully all the reconstruction acts, and the Constitution of the United States as it now stands.

By Mr. BAYARD:

Question. I will ask you whether the law lately passed authorizing the calling of a convention, does not expressly reserve to the people of every color and class all their rights?

Answer. Yes, sir; it does.

By Mr. NYE:

Question. Does the present constitution of the State of North Carolina prescribe the manner in which a convention may be called?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Did the vote of the present legislature providing for calling a constitutional convention amount to two-thirds of each branch?

Answer. No, sir.

Question. Is that required by the present constitution?

Answer. The friends of the proposition to submit the question to the people allege that the limitation in the constitution is upon the power of the legislature to call a convention, but that there is no such limitation upon the power of the people. The limitation is that two-thirds of each house of the legislature shall be required to order a convention; whereas a simple majority of the legislature can submit to the people the question whether they will call a convention or not. It is held that there is no limitation upon the power of the people.

Question. You refer to the thirteenth article of the present constitution of the State?

Answer. I believe that is it.

Question. The constitution says: "No convention of the people shall be called by the general assembly unless by the concurrence of two-thirds of all the members of each house of the general assembly." You say the ground is taken that the general assembly may, by less than a two-thirds vote, submit to the people the question whether they, the people, will call a convention?

Answer. Yes, sir; that the constitution limits the power of the legislature, not the power of the people.

Question. Is it because of that convention that some apprehension has arisen in the State?

Answer. I think not. That is a new question that has been agitated since the assembling of the legislature; it had nothing to do with the election last August.

By Mr. BLAIR:

Question. You say that some of the people consider the present constitution unsuited to the State?

Answer. Yes, sir.

Question. Does that constitution prescribe a registration law?

Answer. I do not remember exactly how that is; I know we have legislation upon that subject. I suppose the constitution provided for a registration law, and the legislature supplied the machinery. I do not know now; I do not remember what the constitution does say about the registration of voters; I know we have a very complicated registration law. The township system was adopted in our constitution, and our people do not yet know how to work it readily; it is so new to us. It has been our custom for a man to vote in any precinct he chose in the county. Under our present registration law, a man, in order to vote in another township in his county, must get a transfer certificate of his registration, and not being accustomed to that, some have lost their votes in consequence of failing to get a registration transfer certificate. That has produced some little complaint on the part of men who were familiar with the old plan.

Question. Is there any authority given to the governor of the State, by the constitution, to reject the votes of counties, or anything of that sort?

Answer. I think not. I think that so far as the constitution is concerned, and perhaps the laws, the ballot is free. It is somewhat complicated, but I think there is no restraining power over the ballot. There is one objection to the present system, which our people complain of a little. Our old rule was to challenge at the polls. If a man came to the polls to vote, who was supposed to be disqualified from voting, he

was challenged then and there. But our present registration law forbids that; it holds that the right to vote is a preliminary question to be decided by the registrar, and prohibits any challenging at the polls.

Question. Are the registrars appointed by the governor?

Answer. No, sir; they are appointed by the commissioners of each county.

Question. Are the county commissioners appointed by the governor?

Answer. No, sir; they are elected by the people of the county. For the first registration under the new constitution, either the governor or General Canby appointed the registrars; afterwards, when the general election came to be held, county commissioners were elected, whose duty it was to appoint the registrars.

Question. Does the governor ever exercise the power of rejecting the votes of an entire county in any election?

Answer. I think not; I think no such thing has occurred in our State. I do not think the governor has any such power; I do not know of any such power on his part.

By Mr. BAYARD:

Question. Do I understand you to say that it is proposed to amend your State constitution so as to make it conform more to the convenience and habits of the people?

Answer. Yes, sir; nothing else.

Question. Is it contemplated in any way to affect the political rights of any man in your State?

Answer. I think not.

Question. To diminish the rights of no one?

Answer. That is the view I have always taken of it; perhaps I am over-confident. I think the prevailing sentiment of the State is not to interfere with the settled condition of things under the reconstruction acts; I think if there is anything in the world which our people desire it is quiet. There are bad men all over the country. We have had a great deal of trouble; but I think no more than perhaps might have been expected under similar circumstances anywhere.

By Mr. NYE:

Question. Has there been in your district any of those political difficulties out of which legal prosecutions have arisen?

Answer. I think not; I do not now remember one. We have had political fights there. I have defended a dozen on each side, I reckon.

Question. Then there have been prosecutions?

Answer. Yes, sir; but not exactly growing out of political difficulties. Opposing parties in politics have fought—have had bloody encounters. But those difficulties have not grown out of these political organizations. They are not the representatives of political sentiments, but of individual personal feuds.

By Mr. BAYARD:

Question. You have spoken of having defended a great number of criminals in capital cases; were they of both political parties?

Answer. Yes, sir.

Question. Have you defended colored persons?

Answer. Yes, sir; I have very often been assigned to defend colored persons. Considering that our colored people were set free suddenly, and thrown out of employment, and thrown upon the community without property and without homes, placed in a condition that was strange to them and to all of us, it is not to be wondered at that they did not always have a very wise conception of the new state of things. They were, as you might say, intoxicated with their new freedom, and got into a great many difficulties. But our courts are always very careful to see that they are defended in the courts, as they are not generally able to employ counsel for themselves. I will refer to one case where I was assigned to defend a colored man who was charged with theft. He told me, as his counsel, that he was willing to go into court, acknowledge his guilt, be whipped, and go home. I told him that whipping now was not what it used to be in old times, when he belonged to a master; that there was a degree of disgrace attached now to a public whipping that was not attached to the whippings he received from his master. I told him that he better not be whipped if it could be helped. And I put his defense on the ground that he did not appreciate at all the infamy of a conviction, and appealed to the court to pronounce no judgment upon him on that account. And judgment was suspended; he was not punished at all, although there was no doubt about his guilt. But his idea seemed to be that it was all right for him to take any little thing, receive his whipping for it, and go free. There is a condition of things in North Carolina growing out of such ideas as that. These people are very improvident.

Question. You say these people are mostly colored?

Answer. Yes, sir; they deserve the sympathy of the entire community, and I think the good people of the county give it to them. There is a bad class who run riot over any one; not for any private gain, but simply because they like to run rough-shod over any one, without regard to class.

Question. In respect to these leagues of which you have spoken, are the colored men generally members of it?

Answer. That is my understanding.

Question. Have you ever heard of any intimidation by these leagues of the colored men?

Answer. I have only heard of one instance. I have understood that to be the general idea, but I do not know it—that there is a system of tyranny exercised by them toward their colored brethren who vote outside of their leagues. We have had some little trouble of that kind, not much.

Question. Have the elections been orderly and quiet?

Answer. Remarkably orderly, with one exception.

Question. To what do you refer?

Answer. I refer to a riot or mob at Asheville, at the presidential election in 1868.

Question. Was it any more than a usual disturbance?

Answer. Yes, sir; it amounted to a little more than that—to a serious fight. I was not present. The parties were indicted, but there was a compromise. It was thought better on both political sides for the peace of society not to pray the judgment of the court, but to let the parties be reconciled by the payment of the costs of the court.

By the CHAIRMAN:

Question. Do I understand you to say that you are not aware of any apprehension existing in any portion of the State as to personal wrong, violence, or interference with political rights?

Answer. Well, sir, when I speak that way, I refer to the general condition of the country, as to the rights of the Government and the observance of the Constitution. I will not undertake to say but that there may be cases, or that there may be associations that do not intend that parties shall be free at the polls. I do not know how that is.

Question. I am not speaking of the actual existence of a state of things, but I ask if you are aware of a settled apprehension in any part of the State of interference with personal rights or political privileges?

Answer. I do not think there is a settled purpose to do that thing; there may be individual cases.

Question. You misapprehend the question. I am not asking for your opinion as to the existence of any organization that intends to do it, but is there a settled apprehension in any portion of the State that there is such an organization?

Answer. Well, that may be pretty hard to answer. There may be apprehensions on the part of some.

Question. If there be such apprehensions, to what do you trace them?

Answer. I trace them simply to designing men who want place, and will make any bugbear to scare people. I think there is great hankering for office, and the office-seekers will make any impression to scare people away. There is a great deal of that in our country.

Question. Do you, then, attribute the disorders which have occurred in various portions of the State to the designs of those whom you term office-seekers on both sides?

Answer. Well, sir, we have this class of men there, and I think there are good people who, perhaps, might entertain fears on this subject—that there may be some bad result following this political organization; but I think they grow out of the fact that men say, for instance: "You must not do this thing; you must not carry this project too far; you must not go to the ballot-box with it, because it will produce another war." I think there is too much of that sort of thing.

Question. Did you read the proceedings, as published, in regard to the hanging of a man named Outlaw in Alamance County?

Answer. Yes, sir; I have heard of it.

Question. Have you any opinion, after having read what was published about it, as to whether or not it was done by a secret organization?

Answer. That seems to have been the current opinion—that there was an organization there that executed that man. It was condemned by all good men. That execution struck a good deal of terror in the community, I admit.

Question. It is to that point I call your attention. Conceding that an apprehension exists in that community growing out of such an occurrence as that, what remedy can you suggest to restore confidence and peace in the community?

Answer. Well, sir, that is a very difficult question; we all have our individual opinions about that.

Question. They may be valuable to us as a committee.

Answer. Well, sir, my notion is that the condition of our State is not worse than might be expected growing out of the fearful conflict we have had, and that, if the law is rigidly enforced, and we were let alone, the difficulties would be removed in a short time. Let there be confidence created in the minds of the people that there is a fostering care on the part of the State and General Government toward all the people, and a kindness manifested toward them that they have a right to expect. I think the difficulties amount to nothing but State political excitement.

Question. Have you been a candidate since the war for any public position ?

Answer. Yes, sir ; I was a candidate for Judge of the district where I lived, at the time of the election, when the State constitution was adopted.

Question. At that time were you in favor of, or opposed to, the adoption of the State constitution ?

Answer. I was opposed to it.

Question. At that election was it not an issue as to whether the State would or would not acquiesce in the reconstruction measures ?

Answer. No, sir ; that was a foregone conclusion, that the State must acquiesce ; but the constitution was objectionable in many of its features. I think it was pretty well settled that the negro must have the ballot, and must be put on an equality before the law with the white man.

Question. You considered that question as at rest ?

Answer. I think so. I know there is no disposition to disturb it now.

By Mr. BLAIR :

Question. What is the public debt of your State now ?

Answer. I can only approximate it. It has been variously stated. It was about forty-four million dollars until the supreme court cut off some ten or twelve millions, reducing it to about thirty-one to thirty-five millions.

Question. How much was it at the end of the war ?

Answer. It was about \$12,000,000, and the accumulated interest, making in all about \$15,000,000.

Question. All the rest has been added since ?

Answer. In the last two or three years.

Question. Is not that fact one which gives your people a great deal of apprehension ?

Answer. It produces a great deal of disquiet.

Question. Is not that fact calculated to cause more disquiet than almost anything else ?

Answer. Well, sir, we have lost almost all hope of trying to do anything under this disaster. The legislature of North Carolina appropriated \$3,368,000 for the Western North Carolina Railroad, and the road has not realized \$200,000, so that there has been an increase of the debt on account of that road of nearly \$7,000,000.

Question. How did it happen that it did not realize but that amount ?

Answer. Because the officers of the company have got the money, and we cannot get at them.

Question. Who are the officers of the company ?

Answer. General Littlefield is president.

Question. Is he a native of North Carolina ?

Answer. No, sir ; I think he is an Ohio or Illinois man. He came there after the war. The first president, George W. Swepson, is a native of North Carolina, I believe. That is the way we have been treated in the western part of the State, not by the Federal Government, however ; nobody attributes anything to the National Government.

Question. How could this amount of bonds of the State have got into the hands of General Littlefield without the connivance of the governor ?

Answer. Oh ! the governor knew it ; he is responsible to some extent.

Question. How was the rest of the addition to the State debt created ?

Answer. By appropriations for internal improvements ; the whole appropriations amounted to about \$20,000,000.

Question. It was not all for the Western Railroad ?

Answer. No, sir ; for various railroad schemes.

Question. Did General Littlefield have the management of all the roads, or simply of the Western road.

Answer. The Western Railroad.

Question. Who were the other parties engaged in it ?

Answer. I am a director of the Western Railroad. The history of it is this : You remember a great disaster happened to North Carolina bonds in New York. After being offered so freely, they went down very rapidly. Mr. Swepson sold about half of them, I understand. He then took a large amount of our funds, and went and bought Florida railroad bonds, and turned everything over to General Littlefield. These were first mortgage bonds, I think, of the Jacksonville Railroad ; they exchanged them with the State of Florida for State bonds, and these they have been negotiating in Europe. General Littlefield has just returned from Europe, and all our money has gone into the Florida Railroad, so that we have got nothing, while they have got a road in Florida which is covered with mortgages, and we cannot reach it.

Question. Is this the same General Littlefield for whom the authorities of your State has issued a proclamation offering a reward ?

Answer. Yes, sir ; a reward of \$5,000. The matter has gone very far to dissatisfy our people. The whole conduct of the legislature has much to do with it.

Question. What other railroads were there appropriations made for ?

Answer. There was an appropriation for the Western Railroad of \$2,000,000. I do not think they have done very little work.

Question. Which is the road that Judge Henry is president of?

Answer. The eastern division of the Western road; that is another road. Judge Henry belonged to a commission with Mr. Woodfin to institute proceedings against the men who had got our State bonds. He is a director of the eastern division; I am a director of the western division.

By the CHAIRMAN:

Question. Were these bonds placed at the disposal of the various roads by an act of the legislature, and actually delivered in pursuance of that act?

Answer. Yes, sir; the State became a corporator to the extent of two-thirds of the capital stock, and the charter provided that before the governor should issue the bonds it should be certified to him that the stockholders who subscribed the other one-third were solvent men, and good for the amount subscribed. But they made a bogus affair of it. I do not know how they did it, but the bonds were issued. The whole capital stock was \$10,000,000.

Question. Was the certificate given to the governor?

Answer. No, sir; Mr. Woodfin, the chairman of the commission, says he cannot find any certificate.

Question. Does that apply to all these roads or to the one of which you are a director?

Answer. The same provision applies to all the roads for which appropriations were made by the State.

Question. By whom was the certificate to be made?

Answer. The language of the statute is, "It shall be certified." I think it is expected that the president of the road shall make the certificate, or at least procure it to be made.

Question. Was there such a certificate made of the road of which you are a director?

Answer. No, sir, I think not.

Question. Did you get the bonds?

Answer. Our president got them.

Question. Was that fact known to the directors?

Answer. It was known that he got them, but we supposed he had complied with the law.

Question. In practice, by whom were the certificates to be made, and by whom were they made?

Answer. The law does not say by whom, but in practice it is expected that the president either makes or procures the certificate to be made by some one cognizant of the fact, so that it is the duty of the president to present to the governor the certificate.

Question. Would not the certificate have to be made by the officers who have charge of the corporation and of the subscription both?

Answer. No, sir, there is no obligation on the directors to make such a certificate; they had nothing to do with the financial matter, in fact, of the road at all, only to superintend the construction of the road. They were not at the capital; they were 270 miles away.

Question. Who had the management of the finances if the directors did not?

Answer. The directors were also managers, but the president was the financial agent.

Question. Do you say that the certificate was made or else the bonds procured without the certificate, and then that the bonds were put in the market without your knowledge of the fact?

Answer. I do.

Question. Whose, then, is the fault, if there is any, in the matter?

Answer. In the first place, the legislation was loose, not well guarded; secondly, the governor was careless in not looking into the matter when he issued the bonds; and thirdly, the bonds were never submitted to the directors at all, but were taken from Raleigh to New York. Not a single director saw one of them.

Question. And the result is, that through this improvident action apprehension exists in the State of bankruptcy?

Answer. Yes, sir. I do not pretend to say the governor is a party to it. He really appears to have been more negligent than culpable.

By Mr. RICE:

Question. Were not all parties at the time this legislation took place in favor of internal improvement?

Answer. Yes, sir; I think there was no party vote in these appropriations generally, but the result has been disaster to the State in the management of certain parties, and that has produced dissatisfaction. Who is to blame about it I cannot say.

By Mr. BLAIR:

Question. The authorities of the State were those who came in under the reconstruction acts?

Answer. It was the legislature that came in under those acts.

Question. The governor, then, was the same man who is governor now?

Answer. Yes, sir.

Question. And it was by his negligence, you say, if he was not criminal in the matter, that these bonds are issued to the extent they were without any real foundation?

Answer. Yes, sir; Mr. Woodfin, who was appointed on the special commission to investigate the matter, informs me that he cannot find any certificate on file from any one as authority for issuing the bonds. Judge Henry knows about that; he has been a witness here.

By Mr. RICE:

Question. How much of the Western road has been built?

Answer. About 20 miles of the road has been graded, but no track laid.

Question. And the bonds have all been issued?

Answer. All issued and gone.

By Mr. NYE:

Question. Who were the co-directors?

Answer. There were eight radicals appointed by the governor, and then there were four stockholders' directors, making twelve in all.

Question. What are their names?

Answer. I have no list of them. Mr. Swepson and General Littlefield are now out. The whole thing has been changed; they have turned out the management; it is in different hands.

By Mr. DAYARD:

Question. Turned it out after the obtaining of the bonds?

Answer. Yes, sir; after the money was all gone. There was Major Rollins, Senator Abbott, Mr. Swepson, General Littlefield, A. H. Jones, of the House; a man by the name of Dickie, Mr. Ammon, General R. N. Henry, General Olingman, myself, J. H. Meneman, and one more that I do not remember.

Question. Who were the four elected by the stockholders?

Answer. They were General Olingman, a Mr. Meneman, I think, myself, and one whose name I do not remember.

By the CHAIRMAN:

Question. Who received the subscriptions?

Answer. There were general commissioners appointed by the legislature; they took the subscriptions, and turned the books over to the stockholders' meeting. The commissioners collected 5 per cent., and the president, Mr. Swepson, reported that the 5 per cent. was paid in on 308 shares, I believe, which made an organization out of it; and afterward the books were transferred to Raleigh, where the balance of the stock was taken up. It was a large amount that was taken at Raleigh—nearly \$3,000,000.

Question. How was the president elected?

Answer. By the directors.

By Mr. BLAIR:

Question. Is there not to be a very large expenditure for other purposes by the State of North Carolina, in addition to this enormous issue of bonds?

Answer. Yes, sir; there has been a great deal of difficulty about the penitentiary system; there is an immense fraud there somewhere; hundreds of thousands of dollars have been appropriated and bonds have been issued, which, I believe, have not been recalled.

Question. Was there or not a heavy expenditure for calling out the militia?

Answer. Yes, sir; I do not know the amount. There has been some inquiry in the present legislature about it.

Question. Was not a great deal of the excitement attending the last election on account of the anxiety of the people arising out of apprehended bankruptcy of the State?

Answer. Yes, sir, that was the issue last summer; this recklessness, extravagance, and waste of the public money. Credit was the issue before the people, and the only issue. Constitutional questions had nothing to do with it—the bulk of it, I mean. Men differed about these things, but it was a local State issue.

By Mr. RICE:

Question. Did not General Olingman act in concert with General Littlefield in regard to the negotiation of the bonds?

Answer. I have understood so.

Question. He was one of the stockholders' directors?

Answer. Yes, sir. I understood he was down in Florida. But he is here, and had

better explain that for himself. What I might state about him might affect his personal character, and it would be only rumor.

By the CHAIRMAN :

Question. Did these questions of financial embarrassment assume such a shape as to affect the public peace and security of person and property throughout the State ?

Answer. I do not think they did, but there was a great deal of political excitement growing out of the question engendered in the public mind, and the great anxiety of the party out of power was, as we thought, the reckless and wasteful expenditure of the public money.

By Mr. NYS :

Question. The legislature that made this grant was composed of men of both parties ?

Answer. Yes, sir.

Question. Was there any division of parties on the question ?

Answer. I do not think there was a party vote on it.

Question. Were not both parties, so far as you know, mutually interested in it ?

Answer. I could not give you the result, but I do not think there were any party lines drawn on the appropriation. I will say this, that if the appropriation had been properly applied, there would have been no dissatisfaction about it.

Question. It is the application and not the fact of the appropriation, then, that caused the dissatisfaction ?

Answer. Yes, sir. The reckless misapplication of the money, not only in relation to our railroads, but generally.

By Mr. BLAIR :

Question. The legislature and the State officers that came into power and made these appropriations were chosen at the election which took place under the reconstruction acts ?

Answer. Yes, sir ; elected at the same time.

Question. By which a great number of the people of the State were disfranchised ?

Answer. Yes, sir ; they were disfranchised in the first election.

Question. It was the first legislature under the new constitution ?

Answer. Yes, sir.

Question. The governor was elected at the same time ?

Answer. I think so. The governor was inaugurated in July, 1868, and the legislature did not assemble till the fall. I believe we voted for members of the legislature at the time we voted on the adoption of the constitution.

By Mr. BAYARD :

Question. The legislature, which had to adopt certain preliminary constitutional amendments offered by the Congress of the United States, was the legislature, I understand you to say, that made these appropriations of the public money ?

Answer. Yes, sir.

Question. And the State officers elected at the same time had the management of the whole affair ?

Answer. Yes, sir. The present legislature is the second one under the reconstruction acts ; the other was the first.

Question. Is there anything that has occurred in the State of North Carolina that has caused the people of that State as much anxiety as this profligate waste of the credit and money of the State since the reconstruction acts ?

Answer. I think that was a matter of more concern to our people than anything else.

By Mr. RICE :

Question. Was that made an issue in your canvass at any election prior to the one in 1870 ?

Answer. No, sir ; it was not an issue in the first campaign, when the first legislature was elected.

Question. But the excitement in regard to the financial question of which you spoke was at the election in August last ?

Answer. Yes, sir.

By the CHAIRMAN :

Question. Do we understand you as saying that it assumed entirely the shape of a financial question in the last election and was not a partisan election ?

Answer. Oh ! it was a partisan election ; the parties undertook to justify the conduct of the State government on the one side, and to oppose it vehemently on the other.

By Mr. RICE :

Question. Are there any charges made in the impeachment against Governor Holden for wrongfully issuing these bonds ?

Answer. No, sir; I do not think there are. I think that was discussed. I see by the papers that it was moved as an amendment, but I do not think it has been put in. I know that matter was discussed by the managers, but it was thought it would prolong the investigation too much, and so they concluded to leave it out.

By Mr. NYE:

Question. Do you know whether any members of the present legislature who took their seats have been turned out since?

Answer. Yes, sir.

Question. What was the political character of those turned out?

Answer. There were two or three radical senators turned out.

Question. If they had not been turned out what would have been the political character of the Senate?

Answer. It would be decidedly democratic with them.

Question. Why were they turned out?

Answer. In the case of one of the men, Mr. Lassiter, it was purely a question of votes, as I understand; there was no legal question involved. But in regard to the other two I understand the question to be this: Alamance and Guilford Counties constituted one senatorial district, entitled to two senators. Mr. Smith and Mr. Gilmer were returned elected. Mr. Gilmer had a majority in Guilford County, and also in the whole district. Mr. Smith had a majority, counting the whole district, but was beaten in the county of Guilford alone; so that if Alamance was not counted he was defeated. But Mr. Gilmer was elected in any event. Mr. Smith took his seat; it was not contested. But the legislature, following the judicial decision of Chief Justice Pearson, declaring the county of Alamance to have been in insurrection, vacated the seat of Mr. Smith and ordered a new election. Mr. Smith was again a candidate for the senate and was beaten. Mr. Gilmer, who had a majority any way, retained his seat.

By Mr. BLAIR:

Question. Did the governor of the State ever assume, in any of your elections, to throw out the vote of whole counties?

Answer. None other than those two counties in insurrection, Alamance and Caswell.

By Mr. BAYARD:

Question. By whose decision was it that the votes of the county of Alamance were not permitted to be counted?

Answer. I think it was the decision of Chief Justice Pearson.

Question. Give us the *modus operandi* by which the votes were rejected?

Answer. I suppose the legislature, when it assembled, declared the election void under the decision of the chief justice and ordered a new one.

By Mr. NYE:

Question. Did not Mr. Smith take his seat in the legislature?

Answer. Yes, sir.

Question. Then the legislature declared his seat vacant?

Answer. It was already conceded that those counties were in insurrection and would not be counted. I think they were thrown out in the count for attorney general at the same election. I think that was the precedent. I am not sure of this.

By Mr. BAYARD:

Question. By whom were they thrown out?

Answer. By the authority of the governor and secretary of state, I suppose.

By Mr. NYE:

Question. Then the chief justice held that they were in insurrection?

Answer. I think so, or that they were declared in insurrection.

By Mr. BAYARD:

Question. Did any one contest the seat of Mr. Smith?

Answer. No, sir; the question turned altogether on the legality of the election.

By the CHAIRMAN:

Question. What was the vote in those two counties of Alamance and Guilford?

Answer. I cannot tell you. I have not been a politician since the war and do not carry those things in my mind.

By Mr. BAYARD:

Question. Was there a great deal of feeling in regard to the election in August last?

Answer. Well, there was a deep-seated feeling, but very little excitement at the polls.

Question. You say Governor Holden proclaimed these counties in insurrection. Do you know from conversation with leading members of the radical party whether they approved the measures adopted by Governor Holden in regard to those counties?

Answer. They defended them; I do not know that they approved them. I think Mr. Phillips, a very distinguished gentleman and a candidate for attorney general, stumped the State in defense of that act of Governor Holden.

Question. Were there any threats of the use of the military or any other than lawful means to carry that election made in your presence by the leading members of the radical party? If so, state who they were.

Answer. I have heard a great deal of talk; we have talked politics pretty excitedly. A year ago I was in this city, and had frequent conversations with our Senators and Representatives here. In conversation with Senator Pool, in discussing North Carolina politics generally, I said I had no doubt the politics would be changed there, that the public sentiment was changing, and that the party in power could not carry the next election. Then he remarked, "that I might be satisfied of one thing, they were going to carry the elections any way; I might be sure of that." He made that sort of reply upon my intimating to him that we intended to beat him.

Question. Was he at that time sustaining the action of Governor Holden?

Answer. Yes, sir; he had been at Raleigh about a year ago, and drew a bill in the legislature, as he admitted, to require the railroad presidents to come back and settle with the public treasury, and bring the bonds back. I told him there was a doubt about his power to enforce that, and I did not think his bill would amount to anything. He remarked that they must come back and settle, and they intended to have a settlement. I told him that the only tribunal I knew of to settle this thing was the people, and they were disgusted with it, and intended to see it righted at the ballot-box. He said I need not lay that consolation to myself, that they intended to carry the election.

By the CHAIRMAN:

Question. Is it your meaning that Mr. Fool wished to convey to you the idea that the election would be carried by force?

Answer. It made that impression on my mind, that they were determined to carry the election.

Question. Please give us exactly what he said?

Answer. I have given it as near as I can; the words I could not exactly swear to. He said, with a good deal of emphasis, "We are going to carry the election."

Question. That was in response to your assurance that you intended to carry it?

Answer. That I thought we would beat them.

Question. That was your own interpretation of that language? He assured you that his party were going to carry the election, and your interpretation was that they intended to carry it by force?

Answer. Well, his manner was vehement and positive.

By Mr. BLAIR:

Question. Was his answer in connection with anything that was said about the declaration of martial law in Alamance and Caswell counties?

Answer. No, sir; I do not think it had been contemplated then, because these difficulties did not exist then.

WASHINGTON, D. C., February 11, 1871.

JAMES E. BOYD recalled and examined.

By the CHAIRMAN:

Question. Have you any knowledge of the fact that the assassination or murder of Senator Stevens had been determined upon in any camp of the Ku-Klux or White Brotherhood?

Answer. No, sir; only I heard it rumored afterward that it had been known in Ku-Klux circles in my county before his assassination that it had been determined upon.

Question. Was it communicated to you by any persons whom you recognized as members of that organization?

Answer. Yes, sir.

Question. Who were they?

Answer. Mr. Long, who was the chief of the organization in my county, told me he had been informed by a member who resided in *Caswell* before the assassination, that it had been determined upon. His communication to me, however, was after the death of Mr. Stevens.

Question. Was it communicated by Mr. Long as a member of the organization, to you as a member of the organization?

Answer. Yes, sir.

Question. Do you know anything of the assassination of W. E. Albright having been determined upon; if so, how, and what means did you take to prevent it?

Answer. Yes, sir; I think it was about a year and a half ago. I heard from members of the organization that it had been determined to assassinate Mr. Albright. He is a

citizen of my town and was a friend of mine, and I determined to prevent it if I possibly could. I saw some other members of the organization, and told them that it ought to be stopped. They agreed with me, and by the assistance of some others we found out the origin. I did not myself, but some others found it out, where the attempt was coming from, and succeeded in preventing it.

Question. By what means?

Answer. Simply by talking against it and persuading them to desist from their plan.

Question. For what reason was he to be assassinated, and where was the determination arrived at?

Answer. I do not know in what particular camp, or the particular man that determined upon his assassination. I think I received my information in regard to it from C. C. Curtis and W. B. Bradshaw.

Question. Did they give you the reason that led to the determination?

Answer. The reason was understood to be that he had made himself prominent in politics there, and was strongly opposed to the conservative party—insisted upon the rights of the negroes.

Question. Did you state in your previous examination your knowledge of the connection of Mr. Strudwick, present member of the house of representatives of North Carolina, with the organization?

Answer. Yes, sir.

Question. Is he the same gentleman who introduced the bill for the repeal of the law against the Ku-Klux?

Answer. Yes, sir; I think the present member from Orange introduced the bill repealing what was known as the Shoffner bill, authorizing the governor to organize the militia.

Question. Do you know what position he occupies in the organization of the Ku-Klux; whether he is a commander?

Answer. I do not.

Question. Do you know of his connection with any other injury perpetrated by the organization in Alamance County?

Answer. I do not. I have heard it often remarked by members of the organization that he was quite a violent member.

Question. Was that during your connection with the organization?

Answer. Yes, sir.

Question. What do you know about the agent of the Associated Press in the State being a member of that organization?

Answer. I do not know the agent of the Associated Press.

Question. The agent at Raleigh, North Carolina?

Answer. I have heard it said that John C. Syme is a member of the Associated Press; I do not know him to be so. I know him to be a member of the Constitutional Union Guards.

Question. By what means do you know that?

Answer. By conversation with him and passing the signs.

Question. You say you do not know him to be the agent of the Associated Press?

Answer. He is a reporter, I think, in the Sentinel office in Raleigh.

Question. Did you hear a speech of Mr. Turner, in Graham, in reference to the negroes?

Answer. I did not.

Question. Did you communicate with Mr. Harding anything about it?

Answer. No, sir; I did not hear it, except I heard his voice in my office, where I was at the time.

Question. What effect has the existence of this organization upon the willingness of people to testify in regard to it?

Answer. I have no doubt that the fear of punishment by the organization deters a great many from speaking out, as they otherwise would, in regard to the facts.

Question. What is your own belief as to the position in which you have placed yourself by your testimony in the former judicial investigation and by appearing now as a witness?

Answer. Really I do not know. I am satisfied that there is very great feeling against me, but as to whether there is any intention to do me personal damage I cannot say.

Question. Is there any other fact that you wish to communicate in connection with your former testimony?

Answer. Not that I know of.

By Mr. BLAIR:

Question. Do you know anything about the Union League organization?

Answer. I know that such an organization exists there.

Question. Who compose it?

Answer. I think a majority of its members are colored men.

Question. What is its object?

Answer. So far as I know, only political. I understand it to be an organization of the republican party; in the interest of that party.

Question. Is it a secret organization?

Answer. I do not know whether their meetings are secret or open. I never was in their meetings. They had public demonstrations, marches, and dinners, in which the members appeared with their badges.

Question. Is it not understood to be a secret organization?

Answer. Yes, sir; I believe in some instances their meetings are understood to be held in secret. The initiations are probably in secret, none but members being allowed to be present.

Question. Have you ever heard of their using intimidation or violence to control other negroes outside of the organization to vote their ticket?

Answer. Yes, sir; I have heard of such things often, but as to the truth of them I do not know; I have heard it said that negroes had been threatened by the Leagues; I have seen it published in the papers.

Question. What is your belief on the subject as to the fact?

Answer. Well, sir, I cannot say that I think it is true generally; there may be some individual instances in which they attempt to use some strong measures to induce negroes to vote with them; but nearly the whole of them vote the Republican ticket anyhow.

Question. Was not the Union League established before there was anything said about the Ku-Klux?

Answer. Yes, sir, I think it existed in my State before I had any knowledge of the Ku-Klux there.

Question. Was it not generally known that there was such a secret political organization long before there was any Ku-Klux organization?

Answer. Yes, sir; as I said before, the League existed before I knew anything about the Ku-Klux, but how long before I do not know; I think it had existed in my State for some time before November, 1868; I think it was organized shortly after the surrender, about the time the fourteenth or fifteenth amendment was submitted to the legislature for approval.

By Mr. RICE:

Question. Have you ever heard of any case of violence by the Union League?

Answer. I have seen it published.

Question. Do you know of any parties that have complained of actual violence committed by the Union League?

Answer. No, sir.

Question. Have any negroes made complaint, to your knowledge, that they were coerced or injured in any way?

Answer. No, sir; I never heard of any.

By the CHAIRMAN:

Question. From your knowledge of the Ku-Klux organization, derived from having been a member of it, is it in such a state of military organization as that it could be called together upon any emergency?

Answer. O, yes, sir; the organization is very complete, from the commander-in-chief down to the lieutenants in the camps.

Question. Did you ever hear a discession in any of their camps upon the position they would take in case the United States should be involved in a foreign war?

Answer. No, sir; I never was in but one meeting, as I stated before.

Question. Have you heard any expression of the members of the organization upon this question?

Answer. No, sir, I cannot say that I have.

WASHINGTON, February 11, 1871.

ALONZO B. CORLISS sworn and examined.

By the CHAIRMAN:

Question. State whether you were employed at any time in the last year or two as a school teacher in North Carolina.

Answer. I was.

Question. In what part of the State?

Answer. In Alamance County, at Mobansville and Company's Shops.

Question. What kind of a school?

Answer. A colored school, under the Society of Friends of Philadelphia.

Question. Were you visited at any time by men in disguise? If so, state briefly at what time and what they did.

Answer. On the evening of the 23th of November, 1869, I preached to the colored people at their request, during a revival which they had; there were some noises about

the window during the evening; I went home; at 12 o'clock at night something was thrown on the roof of the house which waked myself and wife, and then a rail came against the door and broke the lock; in came five men; I was rising from my bed; two of them seized me by my legs and dragged me out of the door; soon two others took me by the arms, and four of them in that way carried me in double-quick time about a mile and a half and set me down in a thicket and began to beat me with hickory sticks; I felt relief then, for I thought they were not going to hang me; I felt three blows; the next day revealed 30 marks on my back; I have the scars now; I fainted; the first I know they kicked me in the side and said, "Get up;" I rose part way and fell back; they lifted me up, and one of them shaved my hair close, one-half of it, and with a sponge painted half of my face black; the smell of the turpentine revivd me; they then started to go away; I said, "Friends, will you tell me if I am near any house?" one of them came back and said, "This way is the road;" I could not walk; they took me without my crutches; I took a stick and hopped along till I came to the house; my wife was out screaming for me up the road; I ought to have stated that they struck her; she tried to tear the mask from the face of one of them; I have got the mustache that she tore away from his face; they struck her on the arms and stepped on her feet.

Question. How were they disguised?

Answer. With tight clothing, something like a clown with horns. They whistled all the time, trying to appear like demons. Before they whipped me they stood around in a circle and gave unearthly shrieks and whistled. They went at word of command; they seemed to understand their business. While they were carrying me they said they meant to rule this country. I asked them why they did this to me? They said "for teaching niggers and making them like white men." They said they came from Chatham county. One of them was leader, the other four carried me. One was more kind than the rest. My knee was callous; I have a callous joint. They pulled it out straight and I screamed. They told me to hush up (we were passing a house) or they would blow my brains out, and they struck me with a revolver over my eye-lid. The next morning Dr. Moore, a member of the legislature, came in and dressed the wound with sticking-plaster so as to make it heal without showing. My head was cut in other places.

Question. Was any other reason assigned for this treatment than what you have given?

Answer. No other reason.

Question. Had you taken any part in the political proceedings of the county?

Answer. Well, at Mobansville, a year before, was elected president of the Loyal League. But there was no Loyal League at the place where I was, and I had not been president for one year.

Question. Had you taken any other part in the proceedings in the State or county?

Answer. None at all, except when colored men bought land and paid for it, and did not get any deed, they would come to me for advice; and I told them to pay no money until they got the deed; not to pay part and have a promise. I was trying at the time to have a free-school system in operation for white children and for black children, also. I talked about it with leading men. The Friends had one school for whites and one for colored in Company's Shops.

Question. What became of your school-house; was it visited?

Answer. Well, they came around it that night. It had been disturbed by noises; the colored people said there were disguised men about it; I did not pay much attention to that; they never disturbed me in the school.

Question. This attack on you was at your house?

Answer. Yes, sir.

Question. Were you compelled to leave that neighborhood?

Answer. They told me to cease teaching negroes, and to leave in ten days; I staid twenty days; I applied to Mr. Belknap, Secretary of the Interior, for assistance, and he sent me four soldiers, who staid with me twenty days. I arrested four men at the end of ten days for doing it. I was then able to go about.

Question. Did you know who they were?

Answer. Not certainly; their voices were familiar, and their size. There were colored men who said they watched them home, with the regalia under their arms. The whole village was aroused. It was getting light when they went home, and they were seen with something under their arms.

Question. What became of the legal proceedings?

Answer. The justice had them acquitted.

Question. They were not bound over to appear?

Answer. My evidence was given, but most of the witnesses fled.

Question. Was it in consequence of this state of things that you left there?

Answer. It was; I could not stay there; my family would be disturbed all the while.

Question. What was the state of public sentiment produced by these proceedings in that county; what was the sense of security?

Answer. It made all the people feel unsafe. - They said if I could not stay there they

could not. One white man who had been whipped came to me while I was in bed. He lived about six miles from where I was. He was whipped for being a Union man, and agitating Union principles.

Question. Did these persons say anything of their political designs?

Answer. Nothing more than they meant to rule the country—wanted me to understand that they meant to rule the country.

Question. How did you understand that—as political rule or by violence?

Answer. Well, by violence, I should understand it—that if they could not rule by a political majority they would rule anyhow. The republicans were in the majority in the country at the time; that agitated them more, I presume.

Question. How long did you teach that school?

Answer. At Company's Shops I taught six months; and at Mebaneville one year, making eighteen months in all in Alamance County.

Question. How were you supported?

Answer. By the Friends of Philadelphia in part; the colored people themselves paid on an average \$8 a month toward the school.

Question. That was the whole amount they paid?

Answer. Yes, sir; it ranged from \$5 to \$13.

Question. The balance of your salary was made up by the Friends?

Answer. Yes, sir; the people calculated to pay my board, the Friends to pay the salary; but the colored people did not quite do their part.

Question. If there is any other fact within your knowledge bearing upon the degree of security of person and property, please state it?

Answer. My idea is that persons are not secure if they undertake to teach the colored people, or if they join a Loyal League, or if they vote the republican ticket. I was there at the presidential election, and persons who voted for General Grant were not safe.

Question. How far do they intend that to apply?

Answer. To that neighborhood; I would not speak of any other portion. I heard of others, however, in the same condition. I only speak of that county. I know they had a Seymour club there, and it was publicly known among all the people that if any one voted for Grant he was never to have any employment, or was to be turned off if he was hired. But they did not carry out the threat. One man, George Mebane, however, did carry it out.

Question. Were you in the same physical condition when you were beaten that you are now?

Answer. Yes, sir.

By Mr. BLAIR:

Question. You say you belonged to the Loyal League?

Answer. In New Jersey I did; and in Mebaneville they chose me president of it.

Question. Is that a secret organization?

Answer. Yes, sir; it was secret, but it did not amount to much when I was there; there was not much done in it.

Question. What was its object?

Answer. To secure the election of General Grant, when I was there, just before the election—to cause voters to have courage to go to the polls and vote.

Question. Did you take any oaths?

Answer. Well, yes; about the same as you do when you join the Odd Fellows, and Good Templars.

Question. Tell us what oaths you took?

Answer. The main thing was always to be true to the American Union, and to the flag; to support it in all cases whatsoever.

By the CHAIRMAN:

Question. Can you repeat that oath?

Answer. I could not fully; but that was the main point—to be true to the Union, to frown down the spirit of secession wherever we saw it, and not to reveal any of the private matter of the order.

By Mr. BLAIR:

Question. You would not feel yourself, then, at liberty to reveal that?

Answer. No, sir, not private matter then; but now I do not know that I am under the obligation. I hardly know that the organization is in existence there now. I would not feel at liberty, perhaps, to reveal the private signs, passwords, and signals, in case of danger; but the oath we took is not private. When we join the Sons of Temperance, we would not be at liberty to reveal the grips and passwords.

Question. When was this League first established?

Answer. It was a branch of the League at Raleigh, and that was connected with one here at Washington—the same that extended all over the North. It first started about the second year of the war. I then belonged to one in New Jersey.

Question. When was it established in the South?

Answer. I knew one in that county the second year after the war.

Question. Did you know of their existence prior to that in the North or South?

Answer. No, sir;—yes, sir. I heard that there was one in North Carolina, when I belonged to one in Virginia.

Question. When did you first go to North Carolina?

Answer. I went to Mebaneville, in October, 1868.

Question. Was not this Loyal League established all over the South, before there was anything heard of the Ku-Klux?

Answer. Yes, sir; I think it was.

Question. Was not the Ku-Klux established simply to antagonize the Loyal League?

Answer. Well, it was so claimed by the papers; but I do not know. It was so claimed by the Sentinel.

Question. Did the Loyal League ever use any violence, intimidation, or threats?

Answer. No, sir; never. Young men who belonged to it would say when a colored man voted the democratic ticket, "Let's have a time with him," but the sentiment of the league would say, "No, let him vote as he pleases."

Question. That is your own League?

Answer. Yes, sir. I know one man who lived right next door to our League who did vote the democratic ticket, and we used our power over the young members of the League to let him alone.

Question. There was a disposition to molest him?

Answer. Yes, sir; when he came to church they would laugh at him and make him feel uncomfortable; would laugh at his children when they came to school, and want me to turn them out. His children would come in crying sometimes, because the other boys annoyed them, saying that their father was a conservative, as they called him. I told one of them to tell the boy that he was a good republican if his father was a conservative, and he went out smiling at that. That is all the prosecution I know of.

Question. You never heard that there was any intimidation used by the Loyal League?

Answer. No, sir; I never did, as a body.

Question. You have heard that members have done so?

Answer. I have heard of particular instances where men have been abused somewhat for voting the democratic ticket, but there was no authority from the League, or from any organization.

Question. You first went to North Carolina in 1868?

Answer. That is to Mebaneville; I was in Edenton the year after the war.

Question. Do you remember to have heard anything said about the debt of North Carolina; how it had been increased under the reconstruction of the government?

Answer. Yes, sir; I heard that mentioned frequently.

Question. During the elections was it much spoken of?

Answer. Yes; by the conservative party.

Question. Did they make use of it as an argument against the other party?

Answer. Yes, sir; against Governor Holden, frequently.

Question. What was the general opinion expressed by them in reference to it?

Answer. Well, there were always two opinions, one party had one and the other another.

Question. You speak of the democrats and republicans?

Answer. Yes, sir; the democrats were unanimous in the opinion that there had been extravagance.

Question. That the credit of the State had been injured, and the public money had been squandered?

Answer. Yes, sir.

Question. How much was the debt of the State under Governor Holden's administration?

Answer. Well, I never investigated it enough to know, but I always supposed that the expenses necessarily were very great after the war, to start a new system of education and government. I always thought, however, that there were some who were not trustworthy, who squandered the money, as there always are in all governments.

Question. Was not there a very large appropriation in the State for internal improvements?

Answer. Yes, sir; for the Western Railroad.

Question. And other railroads?

Answer. Yes, sir.

Question. To what amount was the appropriation for these roads?

Answer. I do not know; I was not particularly interested in these matters.

Question. All these questions created considerable feeling in the election and caused a great deal of excitement, did they not?

Answer. Yes, sir.

By Mr. HAYARD:

Question. Was that a general topic of discussion?

Answer. Yes, sir; on one side; on the other side the chief thing was freedom to vote and to have schools for all, and to be secure in their homes. That was the anxiety on the other side.

Question. Did the republican party sustain Governor Holden during the campaign?

Answer. Yes, sir.

Question. And the democrats assailed him on account of extravagance and corruption?

Answer. Yes, sir.

Question. Was that about the chief issue in the canvass—the one that was most discussed?

Answer. On one side that was brought out; on the other side there were other matters—their future freedom.

Question. On the conservative side the chief topic was corruption?

Answer. Yes, sir; that was the chief point.

By the CHAIRMAN:

Question. Did you ever hear such wrongs or whippings as you have spoken of becoming the subject of political discussion in the State?

Answer. Yes, sir.

Question. How did the parties divide upon it?

Answer. Well, there were those who would say that these whippings were only for some flagrant offense—for barn-burning, or something like that; and some scourgings that I heard of were for flagrant offenses; but others I know were not, for I knew the men.

By Mr. BAYARD:

Question. State what the flagrant offenses were for which these people were whipped.

Answer. Some who were killed or shot in Alamance County were accused of burning barns.

Question. What other offenses?

Answer. Well, generally it was for some immorality which was never established or known.

Question. In regard to women?

Answer. Yes, sir; going with another man's wife, or things of that sort.

Question. Outrages committed on white females, or threatening to commit them?

Answer. I never heard of one of that kind in Alamance County. I have heard of an outrage on a colored girl. The boy, I believe, was hung for committing it.

By the CHAIRMAN:

Question. When these wrongs became the subject of political discussion, how did the parties divide upon the question? Where did they receive countenance and where denunciation?

Answer. Well, when the men were to blame they said, "It is pretty well deserved; let it go;" but when it was an innocent man who had suffered, then they were excited and would abhor it. When it was a flagrant offense, they would justify it and say, "He got his deserts." That was the general feeling.

Question. Do you know of cases where the charges of flagrant offenses were made the pretext for inflicting punishment?

Answer. Yes, sir, I do—some cases of that kind.

Question. Within your own knowledge?

Answer. In the case of alleged barn-burning in Alamance County. I do not know that they did it.

Question. Do you know whether charges of that character were made for the purpose of screening the real purpose for which the flogging was inflicted?

Answer. Yes, such charges were made when the person was not guilty. One colored man was hung because he would not work for a certain white lady. He said he would work where he liked; he was hung next day in Hillsboro.

By Mr. BAYARD:

Question. What other charge did they make?

Answer. That he had insulted the lady and her daughter.

Question. Do you know whether he did or not?

Answer. I do not know anything about it; but the colored people all believe that it was simply because he refused to work there any longer; and hence the sympathy was with the colored lad that was hung.

By the CHAIRMAN:

Question. If there was a division of party sentiment about these wrongs, which party condemned and which approved them?

Answer. Well, the republican party of course were disposed to sustain the person that was supposed not to be guilty. The Democratic or conservative party I never

knew to have any sympathy at all where a person was hung. There was no doubt on their part that he was a villain and a scoundrel.

Question. Do you attribute that to the state of party feeling, or to the real belief of the citizens there as to whether the man was or was not guilty of these offenses?

Answer. It was the state of party feeling that would not excuse a colored man or a Northern man anyhow, or a Southern man who joined in with the Northern men. The moment they did it, they were accounted scoundrels and villains, although their life was upright.

By Mr. BAYARD:

Question. Did you know of the case of a negro preacher named Parsley, who was convicted and is now in jail with several other black men?

Answer. For what offense?

Question. For Ku-Kluxing negroes.

Answer. I did hear something about it.

Question. Are you aware of the fact that he was indicted and convicted, and that he is now in prison with some four or five others?

Answer. I have heard about it. I think his son went to school to me in Company's Shops, and taught school about eight miles from there.

Question. Did you not know he was convicted of Ku-Kluxing people of his own color?

Answer. Oh yes; he went with two white men.

Question. Did you know him yourself?

Answer. No, sir. I knew his son. But this happened after I left, or rather the trial was after I left.

Question. How many did he whip?

Answer. They went only to one man that night, that I know of. My recollection is that there were others whipped, and the whipping led to the conviction of Parsley.

Question. You say you did not know him personally?

Answer. No, sir; but I know his son, or a relative of his. I think it was his son. Yes, I recollect they made him own it, and his evidence brought out others—two white men.

Question. Do you know of any other acts of violence by colored men upon colored people?

Answer. I do not. One of the men in the crowd that chastised me said he was a negro; the one that had the most sympathy for me and carried me on his back. He said, "I am a negro; that is the reason I have so much sympathy for you." I protested against their carrying me so rudely, and he said, "I will carry you better," and took me on his shoulders. He was the stoutest of the lot. He said, "I am a negro myself, and that is the reason I like you so well. I will not see you harmed." But I do not think he was.

Question. Were the people you had arrested citizens of your own county?

Answer. Yes, sir; right there at the Shops. The men were watched by the colored people as they came home, and the sons of some of the men said their father was in it; that was overheard by colored men standing in the grove where I was whipped.

Question. They heard white children speak about it?

Answer. Yes, sir.

Question. That was the testimony?

Answer. That was part of the testimony. I have a flag which they put up at the end of the ten days, with these words, "Corliss and the negroes. Let the guilty beware. Don't touch.—Hell." It was trimmed with crape, and the figure of a coffin was printed on it.

Question. Where was that?

Answer. On the road from my house to the school-house. Five men got off the cars one night and put it up. That was the testimony of negroes who were around the train watching. They went away again on the morning train.

Question. Where did the cars come from?

Answer. From Graham to Mehansville, and then returned. They came about 10 o'clock, and went back about 2.

Question. These men you had arrested lived in your vicinity?

Answer. Yes, sir. I have letters from colored people saying that I had three of the right ones; that they had confessed it since to individuals. I have not been there myself.

Question. Before what justice did you take them?

Answer. The justice at the place, Company's Shops; I do not know his name; he was a Union man, and did all he could, and so did the postmaster. He was fearful, as he told me afterward, that if he decided for me he would be treated in the same manner.

Question. How many negroes were members of the Union League of which you were president?

Answer. About forty; but only eight or ten were very active.

Question. What was the population of blacks?

Answer. I had ninety in my school; nearly all belonged to it except one man, who would not join it.

By Mr. BLAIN:

Question. You say Alamance was a republican county?

Answer. Yes, sir; by seven majority.

Question. The governor of the State was of course a republican, then?

Answer. Yes, sir.

Question. How did it happen that the minority under those circumstances could intimidate you and others?

Answer. They had the most power; they owned the land. Though they were in the minority they had power, because they were violent in their demonstrations. They would go at night and put a coffin at your door with the words written on it, "To-day alive, to-morrow dead." I knew a justice of the peace who had one put at his door.

Question. Did it frighten him much?

Answer. He talked of moving away to another farm; I do not know whether he did or not. I know colored men who went trembling to the polls to deposit their vote for Grant; they were afraid to do it. I know others who did not vote at all, for fear of being turned off or of injury.

Question. Where do you live now?

Answer. In New Jersey.

Question. Did you ever live in any of the manufacturing towns of the North?

Answer. I have lived in Philadelphia.

Question. Did you ever hear of persons having large manufacturing establishments at the North controlling the votes of their men?

Answer. Yes, sir.

Question. Threaten to turn them off?

Answer. Yes, sir; something like that. In the presidential election I have seen it.

Question. Seen them turn them off?

Answer. They would threaten to do it, or to lower their wages; something of the kind.

Question. It is a common thing, is it not?

Answer. Well not so very common; but then it has been done; I have heard it talked of—no severity used.

By Mr. BAYARD:

Question. You mean physical force?

Answer. No, sir; they like the favor of their employer, and are very apt to go as the employer goes.

WASHINGTON, D. C., February 13, 1871.

GEORGE B. BERGEN sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?

Answer. I am at present with my family, residing in Washington City.

Question. What is your occupation?

Answer. I am a lawyer by profession.

Question. Were you, at any time during the year 1870, lieutenant colonel under Colonel Kirk, in command of the North Carolina State militia?

Answer. I was.

Question. At what time did you go there?

Answer. I arrived in Raleigh on the 20th or the 21st of June, 1870.

Question. Were you placed in independent command of a portion of that militia?

Answer. Yes, sir.

Question. Give us as briefly as you can a statement of what occurred in that portion of the State where you were stationed.

Answer. I had charge of the county of Alamance, and arrested a number of the citizens of that county by order of Governor Holden, and almost every one whom I had in my camp made confession that he was a member of the organization known as the Ku-Klux Klan, and that the Klan had at several times committed outrages in that county; that the object of the organization was to obtain supremacy over the negro race and to displace the Republican party from power and to place in the ascendancy the conservative party of the State of North Carolina.

Question. There have been some statements made before this committee as to means you used to obtain these confessions; give us your own account of them.

Answer. I can simply say that I made the arrest of these men, brought them into camp, and they confessed without any difficulty. There have been several affidavits made in the State of North Carolina that I hung, tortured, and injured several persons;

but I think it would be a difficult matter to show that one man was injured by me, I do not think I ever injured a man while I was in the State of North Carolina.

Question. What are the names of the persons who made those affidavits?

Answer. One is named Lucien H. Murray. I never spoke to him over five words in my life, that I recollect. He made affidavit before his honor Judge Brooks, of the United States district court in North Carolina, that I hung him up, tortured him, and maltreated him in every way, shape, and form. Now, I never laid the weight of my hand upon that man; I never spoke five words to him, as can be clearly proved by those who were prisoners at the same time. There was another man of the name of William Patton, whom Mr. Turner alleged I had maltreated and hung up. He afterward made an affidavit that such was not the case, which was published in the Daily Standard in Raleigh. There was also a man by the name of Rogers, I think, who made an affidavit that I had hung him up and tortured him. I never interfered with him in the least.

Question. By what means were those confessions obtained of which you speak?

Answer. I suppose from fear of being tried by military court-martial, as it was generally understood would be the case after we first came to Alamance and Caswell Counties.

Question. Do you know of any instance in which persons, while prisoners in your custody, were treated in the manner spoken of in those affidavits?

Answer. I do not.

Question. What was the state of feeling among the people when you went there as to the security of their persons and property in consequence of the existence of this organization?

Answer. I am not sufficiently well informed to answer that question.

Question. What did you find the feeling to be among that portion of the people with whom you came in contact?

Answer. I found that they felt insecure; that is, the colored portion of the population and those who took sides with the colored population.

Question. How long did you remain there?

Answer. I was there from two and a half to three months. Then I was arrested and thrown into jail at Raleigh, and after I had been in jail ninety-four days I was released by his honor Judge Bond upon a writ of *habeas corpus*. I then went direct to Danville, where I remained two days, when I was arrested by a North Carolinian by the name of Wiley, who lives in Caswell County. I was run down by blood-hounds, arrested, and taken before the mayor of Danville. After I had been before the mayor about an hour, an affidavit and warrant were made out against me, but I was finally released.

Question. Upon what charges were you arrested at Danville?

Answer. Upon the charge of larceny, of stealing a pistol from F. A. Wiley. I was ordered by Governor Holden to arrest Wiley, and at the time of his arrest I ordered that his arms should be taken from him. He alleged in his affidavit at Danville that I had taken the pistol; but when he came to swear before the court he could not positively state that he had ever seen the pistol in my possession.

Question. While in Alamance County, were you acting in obedience to the orders of the governor of the State?

Answer. Yes, sir; I found evidence in the county of Alamance that probably two-thirds of the white citizens of that county were members of the organization known as the Ku-Klux Klan; at least, they told me so.

Question. From what information do you speak as to the purposes of that organization in that county?

Answer. From the confessions of its own members.

Question. Confessions made to you?

Answer. Yes, sir. I had the most of those confessions in writing; but they were afterward destroyed when I was arrested and taken down to Raleigh.

Question. Did any of them state to you any of the means used by them to intimidate voters or to influence elections?

Answer. Yes, sir.

Question. What was said by them on that subject?

Answer. That they accomplished their ends by means of scourging, whipping, hanging and maltreating in every shape and form.

Question. What was the condition of affairs when you left Alamance County? Was this organization in operation then, or had its operations ceased?

Answer. I think its operations had ceased.

Question. Were the operations of that order justified by any portion of the population there?

Answer. It was justified by those who were members of the organization, and opposed by those who were not; and it was opposed by a great many who were actual members of the organization?

Question. What justification was given?

Answer. That it was in order to counteract the operations of an organization known as the Union League, I believe. I do not know anything about that organization. I am not a member of any secret organization myself. I have heard of outrages having been committed by the organization known as the Union League, but I know nothing as to the truthfulness of the assertion.

Question. Where were you living at the time you were commissioned as lieutenant colonel of this force of State militia?

Answer. I was at the time practicing law in the city of Washington, before the United States Court of Claims.

Question. At whose request did you accept that position?

Answer. At the time I was practicing in this city, I received several claims from Colonel G. W. Kirk, who was residing in Jonesboro, East Tennessee, which he desired me to prosecute; I took charge of them, and I had been at work on them for several days, when Major Rollins, of this city, received a communication from Governor Holden, requesting him to go to North Carolina, and take charge of the troops known as State troops. Major Rollins stated that he could not go, and saw Kirk, who said he would go. Kirk said he wanted me to go and assist him to organize the troops, and I consented to go. After I arrived there, nothing would do but that I should remain; and as a reward for my services in obeying orders, I received ninety-four days' imprisonment in jail, and six weeks' pay. During the time I was in jail, I was not visited by Governor Holden or any of his friends. Several of my northern friends came to see me.

Question. When you speak of being in jail, were you committed to await trial?

Answer. Yes, sir; I was committed to jail to await trial. I was in jail with twelve negroes and fourteen white men.

Question. By whom were you committed?

Answer. By the United States marshal.

Question. By what judge?

Answer. The writ was taken out of the United States circuit court.

Question. Were you examined by a court sinner?

Answer. No, sir; it was upon certain affidavits. I was sued in the sum of \$20,000 damages, by one Josiah Turner, Jr., a gentleman by the name of Scott, and another by the name of John Rich Ireland, for false arrest and false imprisonment.

Question. And you were committed for want of bail?

Answer. Yes, sir; and I believe Judge Brooks issued a writ against me to keep the peace, binding me over in the sum of \$5,000 to keep the peace in North Carolina, upon several affidavits made against me alleging that I had maltreated persons, by Murray, Rogers, and perhaps some others.

Question. Were those affidavits made by persons whom you had arrested as members of the Ku-Klux Klan?

Answer. Yes, sir; I did not arrest Josiah Turner, Jr., as a member of the Ku-Klux Klan. I do not know that he was a member of it; I never had any evidence of the fact that he was.

By Mr. BAYARD:

Question. Of what State are you a native?

Answer. New Jersey.

Question. Were you ever a citizen of North Carolina?

Answer. I am not sufficiently well informed to answer that question. I was told by Governor Holden that I was a citizen of the State, after I had taken an oath to support the constitution of the State of North Carolina.

Question. Did you take that oath when you first went down there to take service under him?

Answer. Yes, sir.

Question. Was the period of your service there the only period of your residence in that State at any time?

Answer. Yes, sir; I never was in the State before. My family at that time was in Jonesboro, East Tennessee, where I had taken my wife for her health.

Question. What is your age?

Answer. I am twenty-four years of age.

Question. How long were you in North Carolina?

Answer. I went there on the 20th of June, and left on the evening of the 28th of November, 1870.

Question. How long did your operations last there as an officer of the militia?

Answer. About two months and a half; the balance of the time I was in jail.

Question. Do you say that you are not cognizant that any person arrested by you was maltreated?

Answer. I do say so, most emphatically.

Question. Neither by you nor by any of your command?

Answer. By neither.

Question. You are not cognizant of any such treatment?

Answer. I am not.

Question. Did you ever hear that any person had been so maltreated?

Answer. Only through the source I have mentioned; I never heard so from my own men, from any of my own command; I know nothing myself of the fact.

Question. Or of any extortion of testimony by intimidation or actual violence?

Answer. No, sir.

Question. You know nothing of that?

Answer. No, sir, I do not.

Question. What were your orders from Governor Holden in respect to arrest and trial?

Answer. My orders were to arrest every man who was connected, or supposed to be connected, with the organization known as the Ku-Klux Klan.

Question. To do what with them?

Answer. To hold them subject to orders of Governor Holden.

Question. Did you ever have any orders for their trial in any way by military commission?

Answer. I never had any orders directly to that effect.

Question. Did you have any indirectly?

Answer. There was a commission established at one time, that is, a military court-martial, and my name was put upon it. I had my name withdrawn. That is about all I know of it.

Question. Who composed that commission, as you understood?

Answer. It was composed of several military officers of several counties of the State, ranging from brigadier general down to captain.

Question. Gives us their names, if you can.

Answer. I believe a Colonel Clarke was named as the president; I do not know the other officers.

Question. By whom was that commission ordered?

Answer. By Governor Holden.

Question. For what purpose?

Answer. To try the prisoners who had committed those outrages.

Question. Prisoners captured by you in Alamance and Caswell counties?

Answer. Yes, sir.

Question. By whom were you paid?

Answer. By the State treasurer.

Question. Did you organize the regiment to which you were attached, or assist in organizing it?

Answer. I assisted in organizing it?

Question. Where were the men recruited?

Answer. In Western North Carolina.

Question. Who were they?

Answer. Citizens of Western North Carolina.

Question. Were there any citizens of Tennessee among them?

Answer. There were some, I believe; but I was not sufficiently acquainted to know who were and who were not from Tennessee.

Question. You were a stranger there?

Answer. Comparatively a stranger.

Question. You were not acquainted with the people of the State there till you went there?

Answer. No, sir.

Question. You say you were discharged from jail by Judge Bond?

Answer. Yes, sir; I was told so, I never saw the order of discharge.

Question. How was the order applied for?

Answer. Upon a writ of habeas corpus.

Question. Were you brought before him?

Answer. Yes, sir.

Question. Who obtained that writ for you? Who was your agent?

Answer. I sent my brother-in-law, Captain Winner, to Baltimore, to ascertain if Judge Bond would come down and hear my case on a writ of habeas corpus, citing the facts of the case. I believe Captain Winner also bore a request from Governor Holden and several other gentlemen in North Carolina.

Question. To Judge Bond?

Answer. Yes, sir.

Question. When did he hear your case?

Answer. In August, I think; to the best of my knowledge.

Question. Were you arrested and imprisoned in August?

Answer. Yes, sir.

Question. When were you discharged?

Answer. Upon the 28th of November, I think; upon the last Monday in November.

Question. Did he suspend his decision all that time?

Answer. I suppose he did.

Question. Do I understand you to say that in August Judge Bond heard your application for a discharge upon a writ of habeas corpus?

Answer. Yes, sir.

Question. And he did not make the order for your discharge until the following November?

Answer. Yes, sir; two and a half or three months after I had been put in jail.

Question. How were you informed of your discharge?

Answer. The deputy United States marshal came for me on the evening of the 28th of November; I think it was the 28th; it was the last Monday in November. He told me that the United States marshal desired to see me. Neither of them had been near me during all that time. I went around with him to the office of the United States marshal, who told me he had an order for my discharge.

Question. At what time of the evening was that?

Answer. Between six and seven o'clock.

Question. Upon what day of the week?

Answer. Monday.

Question. Where did you go then?

Answer. I went around town to see if I could raise some money with which to get to Danville. I succeeded in raising nine dollars, took the cars and came to Danville, where I waited until I could get sufficient funds to enable me to get further. In the mean time I was hunted down by blood-hounds, captured, taken before the mayor, and discharged.

Question. Is Danville in North Carolina?

Answer. No, sir; it is in Virginia, four miles from the line of Caswell County.

Question. Were you under arrest at the same time under a criminal charge as well as under civil suits for false imprisonment?

Answer. I suppose I was.

Question. By whom were you committed?

Answer. By the United States marshal.

Question. Was it by the order of the United States commissioner, or the United States district judge?

Answer. I do not know; I never stopped to inquire. I thought it was the duty of my friends to look after my case.

Question. Were there any suits against you in any of the State courts?

Answer. I suppose there were.

Question. Were you under bail, or committed in default of bail, in any of the State courts?

Answer. No, sir, I was not. I am positive of that. It was an impossibility to reach me with a writ of a State court while I was under arrest by order of a United States court.

Question. Are you aware whether writs were out against you at the suits of citizens of the State in the State courts?

Answer. I was told so.

Question. Was Judge Bond informed of that?

Answer. I do not know.

Question. Did any one appear before Judge Bond to contest your application for a discharge upon writ of habeas corpus?

Answer. There were three or four lawyers there upon the other side, and I had two or three lawyers. Judge Merriman was upon the other side, and I think Judge Battle was upon the other side, though I am not positive as to that, and there were one or two more.

Question. Were the parties present who had sued you for false arrest and imprisonment—Turner and the others?

Answer. I do not know.

Question. Was any testimony heard at all?

Answer. No, sir.

Question. None whatever?

Answer. Not in my presence.

Question. Were affidavits read?

Answer. Yes, sir.

Question. Those were all against you?

Answer. Yes, sir.

Question. Were any read in your behalf?

Answer. Simply my own affidavit.

Question. That was the only one?

Answer. I think that was all.

Question. Those affidavits alleged ill treatment and false imprisonment by you?

Answer. Yes, sir.

Question. That was the ground of holding you to bail?

Answer. Yes, sir.

Question. There never was any further proceeding in the case?

Answer. Not to my knowledge?

Question. Until you were discharged?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Were there any trials before this military commission of which you have spoken?

Answer. None at all; I think it never sat.

Question. You spoke of the written confessions of the prisoners in your custody having been destroyed. By whom were they destroyed? Did you destroy them, or were they destroyed by others?

Answer. I left them at the time in the court-house in Graham, supposing, of course, that they would be properly taken care of. After I had arrived at Raleigh, and had been in jail for some time, Colonel Kirk was ordered to Raleigh and he left the papers at Graham. I do not know exactly that they were destroyed, they were out of my possession.

Question. You never heard of them afterward?

Answer. No, sir.

Question. Were the suits of which you have spoken instituted against you on the ground that the orders of Governor Holden to you were not justified by the law, or that you were proceeding illegally under those orders?

Answer. They were simply for false arrest and mistreatment of prisoners; that was about the substance.

Question. Did they embrace both grounds, attacking the validity of the orders of Governor Holden to you, and also attacking you for exceeding your orders in the discharge of your duties?

Answer. I presume they did; at least I took them so at the time.

By Mr. BAYARD:

Question. Did you ever hear that Judge Bond filed any reasons for ordering your discharge?

Answer. No, sir; I never saw any of the did.

By the CHAIRMAN:

Question. What was the charge upon which you were arrested at Danville?

Answer. For stealing a pistol from Willey.

Question. That was after your discharge by Judge Bond?

Answer. Yes, sir.

Question. You spoke about being hunted down by bloodhounds? Were you outside of the town of Danville?

Answer. While I was in Danville I walked up the main street, and met Willey there. He cursed me a little, and I do not know that I spoke very politely in return. I think he went before an alderman, or the mayor of the town, and made an affidavit against me. Some of my friends came to me and told me that I had better leave town and get out of Danville, and they would meet me outside of the town and furnish me a horse to take me over to Lynchburg. I went across the bridge over Dan River, and was met by two policemen, who asked me my name. I told them my name was registered at the hotel as B. George. They said they were looking for a fellow of the name of Berger, who had committed some outrage in North Carolina, and was believed to be a fugitive from justice. I denied being the man, and told them they had no right to arrest me in Virginia. One of them said he would go and bring a man who knew me, and the other could stay with me and keep me from escaping. After the other had got away some distance, I ran away from the other one and got into a field where there was some high grass and secreted myself. After I had been there for perhaps a half an hour, I heard some dogs in the woods and supposed they were hunting for game. I got on my hands and knees and crawled a quarter or a half a mile, until I got to a brickyard, where I saw a negro who told me that there were bloodhounds upon my track, and that I had better make for some tree. I made for a tree, but before I got up into it the dogs came up to me, and a man by the name of Graves came up and commanded me to surrender. Of course I surrendered, as I had no arms with me, and I was then taken to Danville.

Question. That was the way you were arrested?

Answer. Yes, sir; no warrant was served on me until I had been in the mayor's office fully an hour.

By Mr. BAYARD:

Question. How many men did you arrest without warrants in Caswell and Alamance Counties?

Answer. Do you mean by the order of Governor Holden?

Question. You say you arrested persons by his orders; how did you arrest them?

Answer. I sent out and had them brought in; whenever we ascertained that a citizen of that county was a member of this so-called Ku-Klux Klan; we sent men out and had him brought in.

Question. Did you arrest men whether they were or were not members of the organization?

Answer. I do not think I arrested a man there who proved not to be a member of that organization.

Question. Did you arrest Josiah Turner, jr.?

Answer. Yes, sir.

Question. Was he a member of the organization?

Answer. I arrested him because Governor Holden ordered his arrest; I had to obey his orders.

Question. You arrested those men at your discretion?

Answer. Yes, sir.

Question. Without warrants?

Answer. Yes, sir; I thought your question was in reference to citizens of Alamance County.

Question. I referred to Alamance and Caswell Counties, where you were stationed.

Answer. I was in Caswell County but a few days.

Question. What was the strength of your command?

Answer. Sometimes, at Company's Shops, I had as many as four hundred men; then again, sometimes, I would not have more than fifteen men.

Question. How many men, altogether, had Kirk?

Answer. I do not know that I can tell the exact number; between six and seven hundred, I think.

Question. Did you take the prisoners to Raleigh when they were discharged by Judge Brooks?

Answer. Not when they were discharged by Judge Brooks, but when they were discharged by Chief Justice Pearson.

Question. How many did you take down?

Answer. Twelve or fourteen—probably more.

Question. Were they all discharged?

Answer. I cannot tell that; there was one man, of the name of Gray, who was charged with burning a school-house in Alamance; he was thrown in prison because he could not give bail; he was in the same jail with me; I understand that he has been released lately; another man, Wiley, charged with the murder of Stephens, in the county of Caswell, was ordered to give bond to the amount of several thousand dollars, and others were obliged to give bonds.

Question. All those acts with which those men were charged occurred prior to your going into the State?

Answer. Yes, sir.

Question. Were you present at any election in the State?

Answer. I was over at the court-house in Graham for about five minutes during an election.

Question. You have spoken of the intimidation of voters?

Answer. Yes, sir.

Question. And other acts of that kind?

Answer. Yes, sir.

Question. Had you any personal knowledge of those acts, or was your information in regard to them merely hearsay?

Answer. Hearsay, and from confessions made to me.

Question. You were never in this State before this three months' service there?

Answer. No, sir.

Question. And you have not been there since?

Answer. No, sir.

Question. You had no personal knowledge of the people there?

Answer. No, sir.

Question. And what you have stated about their acts is based upon information derived from others?

Answer. Yes, sir.

By Mr. BLAIR:

Question. Do you justify yourself for your acts under the authority of Holden?

Answer. I do.

Question. What was your anxiety to escape from North Carolina, when you were arraigned to be tried for those acts?

Answer. I had no particular desire to be in prison any longer, and I was anxious to get to my family.

Question. Are you going back to stand a trial on those charges?

Answer. I do not think I will, though at the same time I do not think if I could do

anything with me. Everything I did was done according to the orders of Governor Holden. He made certain representations to me; if they were false, that is not my fault. After I was thrown into prison Governor Holden did not come near me. I saw him but once during the time I was in jail, and yet I was within sound of his dinner bell the whole time.

By Mr. BAYARD:

Question. Did he, according to your knowledge, undertake to repudiate your acts at all?

Answer. Not to my knowledge; except that I see in the replication he has filed in the matter of his impeachment he denies having ordered me to arrest Josiah Turner, Jr.

Question. Did he order it?

Answer. He did, most emphatically.

Question. Were his orders to you generally verbal or written?

Answer. They were generally verbal. He simply ordered me to arrest men of whom I had any evidence at all that they were members of the organization known as the Ku-Klux Klan, and to hold them until I had further orders from him; which I did.

Question. Did any writs of habeas corpus come to you while you were there?

Answer. Never to me.

Question. None were ever served on you?

Answer. No, sir.

Question. Was any attempt ever made, that you know of, to serve them on you?

Answer. Not upon me.

Question. To whom were they directed?

Answer. To Colonel Kirk, I think.

Question. And he made all the replies?

Answer. I presume he did.

Question. How long had you known Kirk before you took command under him?

Answer. I first met Colonel Kirk in December, 1869.

Question. Where?

Answer. In Jonesboro, East Tennessee.

Question. That was his residence?

Answer. That was his residence at that time.

Question. Had you ever had anything to do with him before, or known of him before?

Answer. No, sir; and I regret exceedingly that I ever had anything to do with him since.

By Mr. BLAIR:

Question. Why?

Answer. Well, for several reasons. I do not think I would ever have been in jail if I had never met him; I do not think I would ever have lost my practice if I had never met him; and there are several other reasons, too numerous to mention.

Question. Were you sworn into service in North Carolina?

Answer. Yes, sir.

Question. What was the oath?

Answer. To support the Constitution of the United States, and the constitution of the State of North Carolina, and to obey all orders of my superior; similar to any other military oath.

Question. To obey all legal orders, you mean?

Answer. All orders from a superior officer.

Question. All legal orders, is the military oath.

Answer. I do not think the phrase "legal orders" was in the oath; I think I would have remembered it if it had been.

Question. Do you know that you cannot protect yourself for an illegal act by alleging an illegal order?

Answer. Yes, sir, I know that. But it is natural for an inferior officer to suppose that he would receive nothing but legal orders from a superior officer.

Question. That might have been the inference with you, but it is not always the case, however.

Answer. I cannot say about that.

WASHINGTON, D. C., February 13, 1871.

WILLIAM H. BATTLE SWORD and examined,

By the CHAIRMAN:

Question. State your residence and occupation.

Answer. I am a resident of Raleigh, North Carolina. My occupation is that of lawyer, practicing in the supreme and Federal courts.

Question. How long have you been a citizen of North Carolina, and what public positions have you filled?

Answer. I was born in Edgerton County, in 1802. In 1840 I was appointed judge of the superior court, and remained on the bench for 12 years. I was then placed on the bench of the supreme court, where I remained 16 years. I was on the bench at the beginning of the late war and remained there during the war. In 1865 the offices of all the judges were declared vacant. I was reelected judge of the supreme court again, and remained there till the adoption of the constitution.

Question. Were you a candidate under the new constitution for judge of the supreme court?

Answer. My name was before the people under the new constitution, but I was not elected.

Question. Through what portion of the State do you travel in the discharge of your professional duties now?

Answer. I am confined entirely to the city of Raleigh. I am practicing law with my two sons as partners; one of them was former treasurer of the State. We never leave the city at all.

Question. Have you sufficient acquaintance with the condition of the State to testify as to the sense of security that is felt by the people as to their persons and property in other portions than that in which you immediately reside?

Answer. Well, sir, I have information derived from newspapers and reports from others, and unless I am greatly mistaken there is a general feeling of security for person and property throughout the State. In some localities there may have been outrages committed. In his last message, Governor Holden declared, as he had done before by proclamation, that there was general peace and security prevailing throughout the State. He congratulated the legislature upon that fact.

Question. Have you any knowledge of the existence of any secret organization in the State which interferes with the security of person and property in its operations?

Answer. None of my own knowledge.

Question. From the general information of which you have spoken, if you have any belief on that subject, state what it is.

Answer. I have a belief. I was one of the counsel for the applicants for writs of habeas corpus before the chief justice of the supreme court of North Carolina, and also before Judge Brooks of the United States court for the district of North Carolina.

Question. Were those applications made at the instance of persons arrested or were they volunteered?

Answer. They were made at the instance of the persons arrested. I and several other gentlemen were employed as counsel to prosecute their cases. I was also counsel after Judge Brooks released all who had been taken by Colonel Kirk and his troops. I was counsel for those who were taken by bench warrants issued by Chief Justice Pearson, and brought before him and Judges Dick and Settle. In that way I acquired all the knowledge I possess. Prior to that time I had heard of the name Ku-Klux, but I did not know the name of a single order. In that investigation I learned that there were different orders called by the general name of Ku-Klux, and also that there was an order called the Union League. The latter was composed mainly of colored persons; portions of the white people, I think, were also members of it. There was an order of the Ku-Klux called the White Brotherhood, I believe, and another I think was called the Invisible Empire.

Question. From the evidence disclosed on that examination, were you satisfied of the existence of the orders known as the Invisible Empire and White Brotherhood?

Answer. I was not so well satisfied about the Invisible Empire, but about the White Brotherhood there was no sort of doubt.

Question. What did the evidence disclose to you to be the purpose of the White Brotherhood, and the means by which its purpose was to be accomplished?

Answer. In answering that question permit me to state that there was another order, the one to which I have already alluded, called the Union League, which I believe was formed originally for political purposes and for political purposes only; and I think these others were formed for the same purpose, to counteract the effect of the Union League. That was the impression made on my mind by all the evidence which I heard. In their origin I believe neither of them was intended to accomplish any violation of law, but as they were composed of very large numbers of rash and violent men, I am satisfied both of them did commit great violations of law. I am satisfied that these leagues and these clans or camps, as they were called, were the means by which these lawless acts were accomplished.

Question. Did the evidence disclose any instance in which members of the Union League had committed violence to the extent of personal injury? If so, give us the instances.

Answer. Well, sir, I am not sure that I can name any instance, but I am satisfied that the evidence showed that persons belonging to these leagues committed the crimes of arson, stealing, &c., but whether they were prompted by the leagues I do not know.

Question. Name any instance in which the evidence showed crimes of that character committed by different members of the League, or by its order, or with its countenance?

Answer. I do not think I can name any particular one; I was satisfied, though, that there were houses burned in the counties of Alamance, Orange, Wake, and Chatham. I have a paper in my pocket now that speaks of the conviction lately of divers persons who formerly belonged to these leagues. Whether they were unlawful combinations that committed that act and they were made in the leagues, I do not know.

Question. In what county was that?

Answer. In Chatham County.

Question. Were they colored men who were convicted?

Answer. Yes, sir; before a court held by Judge Tourgee; prosecuted by Solicitor Bulla.

Question. For wrongs inflicted upon other colored men?

Answer. No, sir; for burning barns and stables belonging to white men. If the newspaper report is true, there was a regular organized plan; certain persons were fixed upon to set fire to the buildings, and another set were designated to stand around, and when the owner came out to attempt to extinguish the flames, they were to shoot at him. This I learned from newspaper reports since I acted as counsel in the cases referred to.

Question. From the evidence disclosed in the examination in which you were counsel, are you satisfied of the commission of personal injuries and of murder, either by individual members of what is popularly known as the Ku-Klux Klan, or by its order or with its countenance? If so, give us the instances.

Answer. I was satisfied from the testimony that they were guilty of violations of law, whipping negroes charged with various offenses. One was for a gross insult to a white lady, another was for stealing, and another for barn-burning. They were disguised, and were, no doubt, acting as Ku-Klux; I was satisfied of that. There was a man named Outlaw hanged in the town of Graham. The evidence showed that he was hanged by a large body of men disguised, but no witness could tell who they were, or whether any one of them was a member of the Ku-Klux Klan. But the general impression was that they were.

Question. Was there not testimony there which showed that persons had admitted to Mr. Boyd that they were present at the execution of Outlaw?

Answer. Well, sir, according to my recollection, the nearest he came to prove it was that some man said he slept with somebody who was present at the hanging.

Question. Do you remember Boyd testifying that a man named Bradshaw, whom he knew to be a member of the organization, had spoken to him of the military officers having the names of sixteen of them who were present at the hanging?

Answer. I cannot remember distinctly. I recollect that the name of Bradshaw was mentioned, and that Mr. Boyd was examined at length, but I cannot remember the details.

By Mr. BAYARD:

Question. Did you prepare a report of the trials?

Answer. Yes, sir.

Question. Have you a copy of it with you?

Answer. I did not prepare a report of all the evidence before Justice Pearson, Judge Brooks, and Judge Bond. There is a report in the documents accompanying the message of Governor Holden, that contains about as much as I can state.

By the CHAIRMAN:

Question. From the whole of the testimony adduced in the case, have you any doubt about the murder of Outlaw having been ordered and committed by the Ku-Klux organization?

Answer. That is my impression—that it was.

Question. What cause, if any, was given to justify that murder?

Answer. It was said that he had shot at a parcel of Ku-Klux who were passing through the town of Graham. That was a rumor; I do not know whether it was true.

Question. That was the only cause assigned?

Answer. That was the only cause I recollect having been assigned.

Question. You have spoken of the conviction of certain persons, as announced in the papers: were any of the men tried and convicted of the hanging of Outlaw?

Answer. They have not. The impression on my mind is that only one has ever been identified, except one or two who were suspected, who have fled the country.

Question. Has anybody been arrested for the hanging of Outlaw?

Answer. I do not think there has; I believe the only ones they could fix upon with any sort of certainty have fled the country.

Question. Have you any knowledge of the arrest, trial, and conviction of any persons charged with having committed these outrages as members of the Ku-Klux organization?

Answer. There are a good many of them now bound over to court in Alamance County, ready to stand trial.

Question. Thus far has there been any conviction in the State of North Carolina?

Answer. I do not think any have been convicted as yet; but the testimony that was produced before these judges, by which several were bound over to court in Alamance County, was certainly sufficient to produce their conviction.

Question. Have there not been numerous trials of these persons, and as a general rule has not the defense been an alibi, which has been proved by those who were alleged to be members of the order?

Answer. I do not know that fact well enough to justify me in giving an opinion.

Question. Do you know it through the newspaper reports?

Answer. I know that has been charged, but I do not know; I have not heard it with sufficient distinctness to say whether it is so.

Question. Did the evidence in the investigation to which you have alluded satisfy you that the members of the organization are bound to sustain each other to the extent of perjury when they are charged with offenses?

Answer. It did not, sir. If you will look at the report, you will find that, although one or two may have gone that length one of them by the name of Long, who was proved to be a very bad man, and who has since fled the country one by the name of Tickell, who acknowledged that he belonged to the White Brotherhood, after having been made apparently to admit this thing, upon cross-examination said that he did not consider the oath of the White Brotherhood binding, as against his oath in court. I saw that he was an honest man, and I commenced cross-examining him. I saw that he had been confused, so asked him some questions to put him at ease. Then I asked him if he had not voted since 1852. He said he had. I asked him if he had not registered. He said he had. I asked him if he was not sworn when he registered. He said he was. I asked him how he was sworn. He said on the Holy Evangelist of Almighty God. He had been asked what oath he took as a member of the White Brotherhood, and he recollected very little about it, and said that the man who administered it did not know much about it; but he said he was sworn by the uplifted hand. I then asked him distinctly, "Do you consider the oath which you took in that way, as a member of the White Brotherhood, as binding you to violate the oath which you take when you swear upon the Holy Evangelist of Almighty God?" He said he did not. Then the witness who was examined next, on his cross-examination brought out precisely the same testimony. I asked him distinctly, "If you were on a jury, and a member of the White Brotherhood were on trial, and it was clearly proved that he was guilty by the evidence, and the man should call out to you 'Shilch,' the sign of distress, would you feel bound by your oath as a member of the White Brotherhood to acquit that man contrary to the law and evidence?" He said he would not. Then he said he felt bound to obey his superior officers; and I asked him if that obligation extended to compelling him to violate the law and kill a man. He said it did not. I understood from both these witnesses that they did not feel themselves bound to obey that oath in preference to the oath they might take on the Holy Evangelist, and did not feel themselves bound to do anything that violated the laws of the country.

Question. Did he make a difference between the sanctity of the oath on the Holy Evangelist and the oath with the uplifted hand?

Answer. Yes, sir; he considered that more binding taken on the Holy Evangelist.

Question. The difference then consisted in the form of the oath, in his mind. If it was reversed, and he had been sworn in court by the uplifted hand, but in the White Brotherhood by the Holy Evangelist, he would have considered the latter more binding of the two.

Answer. As more binding, that is my recollection of it.

Question. Then, if I understand you, you say that it would depend upon the opinion of the individual member as to the relative sanctity of the two oaths he had taken, whether the oath of the order was superior to the oath in a court of justice.

Answer. Simply this, that having sworn on the Holy Evangelist in a lawful matter, he did not consider the oath he took in the White Brotherhood as binding.

Question. Were there not numbers of the order who testified that their oath in the order would bind them to protect each other?

Answer. I think Mr. Long did.

Question. To protect each other on juries or as witnesses?

Answer. I think he so testified, and it is possible Mr. Boyd may have gone somewhat to that extent. I am not sure how far he did go.

Question. Then your opinion is founded upon the confidence you had in Tickell's testimony instead of that of the other witnesses?

Answer. I discovered that he was an honest man, though a witness for the State. I was perfectly willing to trust him and ask him this question upon cross-examination.

By Mr. CHANDLER:

Question. How is the fact in your State; do not some swear by the uplifted hand?

Answer. Yes, sir; but the other is an equally solemn oath.

Question. Do you yourself regard it as any different whether a man swears by the uplifted hand or otherwise?

Answer. Certainly not.

By the CHAIRMAN:

Question. Would it not very much undermine your confidence in a man to find him getting rid of the obligation of an oath by such a distinction?

Answer. I do not think Tickell had any such idea in his head. If he had been asked to swear with the uplifted hand—which is a very solemn oath—I believe he would have made the same answer he did. But he felt that the obligation to obey the laws of the State was superior to any oath he took as a member of the White Brotherhood.

By Mr. CHANDLER:

Question. Is not the form of oath regarded with equal solemnity by gentlemen of intelligence in your State?

Answer. Certainly; our laws allow the oath to be taken on the Holy Evangelist or with the uplifted hand.

Question. Or by affirmation?

Answer. By Quakers only. It is of equal sanctity, and precisely the same penalty follows its violation.

By the CHAIRMAN:

Question. Then, from the whole of the examination, you have no doubt of the existence of the order in that county?

Answer. I have none in the world.

Question. And that whipping of individuals and the murder of Outlaw were done by the order and by its members?

Answer. I believe that Outlaw was hanged by them; but I think there was no proof in the case in which I was concerned to satisfy any court to whom it would be submitted. I think it is highly probable he was hanged by the Ku-Klux. In the case of Stevens, which made more noise than any other, I am perfectly satisfied he was not killed from any political motive whatever.

Question. In the counties where the organization existed, as testified in the examination you made, do you believe that justice could be administered against its members in the civil courts?

Answer. Well, sir, I know of nothing that would lead me to believe that put an honest man on the jury in Alamance or any other county in the State—

Question. My question is, where the organization exists to the extent it was proven in Alamance County, do you believe justice could be administered against a member on trial before a civil tribunal?

Answer. I believe there would be some men who would be very likely to act in accordance with the wishes of their order; but a man who had a proper sense of his oath and duty would convict a member of the White Brotherhood as soon as he would any other person. That is as far as I can give an answer to the question.

Question. If you yourself had been the subject of an outrage committed by them, and the perpetrators were on trial, would you feel at all secure that justice could be obtained against them in that county?

Answer. Well, I should have my doubts whether they could not pack a jury who would acquit them.

Question. If the sheriff of the county were a member of the organization, would it not be in his power to so control the jury as to prevent a conviction?

Answer. Undoubtedly, if he was a dishonest man; but if he was an honest man, I do not think he would.

Question. Do you confine your knowledge of the organization and the state of society there to the information derived from your investigations, or have you such information as to be able to give your belief as to the rest of the State?

Answer. However it may have been two years ago, I believe now that a good many have fled from the county of Alamance who feared justice, and have left the State. I have heard of several.

Question. That were supposed to belong to the order?

Answer. Yes, sir.

Question. Has there been any difference of opinion among the members of the two political parties, as to the manner in which they view the proceedings of this organization? In other words, if either party justify it, which is it; and if either party condemn it, which is it? Or has it been the subject of justification or condemnation by parties?

Answer. Well, sir, there are some men, I have no doubt, that do in some degree justify them, but the respectable portion of all parties condemn them. If you will permit me, I will show you what my own opinion was, as published in a speech of mine, which appears in the Daily Sentinel of October 7, 1870:

"The counsel on the other side have been pleased to say a great deal about the Ku-

Klux and their doings; they have charged them with plotting for the overthrow of the Government. Sirs, whatever else they have proved, they have not produced a particle of evidence to prove that charge. I admit they have shown, if their evidence is to be believed, that members of the Ku-Klux Klan have committed one act of arson and five or six of whipping."

Probably I did not state quite as many as there were.

"I admit that all these cases were violations of law, and the persons guilty of them ought to be punished for them. I am as much opposed to the Ku-Klux as anybody; I am opposed to all secret political associations, whether White Brotherhoods, Union Leaguers, or any other of the like kind; and if I had the making of the law, I would enact that all such secret societies were criminal, and that the members of them should be liable to punishment. I have never belonged to but one secret society, and that was a literary one, the Dialectic Society, at Chapel Hill. With the exception of a few benevolent societies, such as the Masons, Odd Fellows, and the like, I would suppress all others."

Question. On what occasion was that speech made?

Answer. Josiah Turner, jr., was taken up by a body of Kirk's men in the town of Hillsboro, when Alamance and Caswell Counties were declared in insurrection. He filed an affidavit of the fact, and applied to their honors, Judges Dick and Settle, for a bench warrant against Governor Holden, Colonels Kirk and Bergen. The judges requested the counsel to argue the question—first, whether a warrant could be issued against Governor Holden; and secondly, whether Colonels Kirk and Bergen could be taken anywhere else except in those counties. Mr. Bailey argued it on one side and 1 on the other—both as *amicus curiæ*.

Question. Did this man who was the subject of the arrest in regard to which this speech was delivered, either apologize for or justify the proceedings of the Ku-Klux in his paper?

Answer. Well, sir, I think if you read the Sentinel you will find that he has denounced them on different occasions; but the charge against him was that he did not denounce them in good faith; did not denounce them as strongly as he ought to have done. Whether that is true or not I leave to others to judge.

Question. He lives in your town?

Answer. He lives in Hillsboro, but publishes his paper in Raleigh.

Question. In his public utterances, did he apologize for the doings of the Ku-Klux?

Answer. He did; his paper generally denounces the violations of law by the Ku-Klux; but at the same time he intimates that they were prompted by the doings of the Union Leaguers. In that way he may have left the impression that it was some sort of apology.

By Mr. BAYARD:

Question. That they wore retentions?

Answer. Yes, sir.

By Mr. NYE:

Question. Did the Union League wear disguises?

Answer. I really do not know.

Question. Did it ever appear in any investigation that they disguised themselves?

Answer. I do not recollect that it did.

Question. How was it in regard to the Ku-Klux?

Answer. Oh! they had disguises.

Question. Describe if you can their equipage.

Answer. A large white sheet with a mask over the face and something like horns at the top, intended to terrify.

By Mr. BAYARD:

Question. Did you ever see one?

Answer. Yes, sir; we had one. One of them said they wore them at the time they initiated new members, to prevent their knowing who they were. Having these disguises, I have no doubt in the world that they were prompted to convert themselves into vigilant committees and punish crimes. Those were the violations of law alluded to in my speech. In none of the investigations was it proved that a single thing had been done with a view to produce any political effect.

By Mr. NYE:

Question. Was there any evidence that showed that the Ku-Klux Klan committed any depredations upon any one except those that belonged to the Union party?

Answer. I am not aware that there was; I do not think there was.

Question. No evidence appeared showing that they committed any outrages upon persons who acted with them politically?

Answer. If you look through the report you will find that it was principally against colored persons that they were committed. They would say that a black man had in-

sulted a white lady—had broken into somebody's house and had stolen his meat, or something of that sort. For this they would take him and whip him. They whipped a white man at Company's Shops, in Alamance County, for keeping a colored school. But rumor says that he had, on several occasions, attempted to put the blacks on an equality with the whites; that he carried a colored woman to church and wanted to set her among the white ladies.

By Mr. BAYARD:

Question. Was that man's name Corliss?

Answer. Yes, sir; that does not appear in the testimony, but that is one of the rumors why they whipped him.

By the CHAIRMAN:

Question. You say it does not appear in any case that any political purpose was attempted to be accomplished by the Ku-Klux Klan?

Answer. Not a solitary one, so far as I know.

Question. Do you remember no evidence on the part of any member that it was intended to defeat the operation of the reconstruction acts or the constitutional amendments?

Answer. No, sir; I have not the slightest idea that they thought about the reconstruction acts.

By Mr. NYE:

Question. What have you the idea that these Ku-Klux Klans were formed for?

Answer. I think, indeed I have no doubt, they were formed for the purpose of counteracting the effect of the Union leagues.

Question. Counteracting what effect? The political effect?

Answer. The object of the Union leagues was to induce all the colored people to vote one way by means of these leagues.

Question. By counteracting their effect, you mean that they meant to intimidate the colored people and keep them from voting all one way?

Answer. Well, I do not know whether they do that.

Question. Have you any doubt that the whole paraphernalia, equipage, &c., were intended to keep them from voting one way?

Answer. I must say I have a doubt. It was intended to organize the whites in the same way, in the White Brotherhood, so that if all the whites should vote one way as against the colored people, there would be a considerable majority in the State.

Question. Then you have the idea that it was for the purpose of organizing the whites against the blacks?

Answer. Yes, sir.

Question. Did you see any reason in the world why they should disguise themselves if it was nothing but a political purpose, so that they would not even know one another?

Answer. I believe that was a perversion of the society; and that I believe is what all these political societies will come to.

Question. What, in your opinion, was the object of this equipage?

Answer. I have no doubt it was for the purpose of forming themselves into vigilance committees, and go about punishing people.

Question. In other words, taking the law into their own hands, and administering such punishment as they thought was due for alleged offenses?

Answer. No doubt about that.

Question. Did you ever hear of their perpetrating outrages upon any other people than republicans?

Answer. With the exception of Corliss, I do not know that they perpetrated them upon anybody except colored people. If they were all republicans, of course they were perpetrated upon republicans.

Question. Was not Mr. Corliss a republican?

Answer. I do not know; I suppose so.

Question. Did it appear in evidence before you that these disguised men, in large or small bands, rode about from town to town to do these things, to punish supposed offenses?

Answer. I believe that was their main purpose.

Question. Did it appear that they were in the habit of patrolling counties and districts in disguise?

Answer. Yes, sir; there was certainly evidence to that effect.

Question. Did it appear to you that they threatened people?

Answer. Yes, sir; the very worst case of all was their threatening a member of the senate.

Question. What did they threaten to do with him?

Answer. Threatened to kill him.

Question. What was his name and where did he live?

Answer. His name was Shoffner, and he lived in Alamance County.

Question. For what did they threaten to kill him?

Answer. Because they said he had introduced the bill by which the people of North Carolina were to be put under military rule.

Question. For that offense they threatened to kill him?

Answer. Yes, sir; and he fled.

Question. Did it drive him from the country?

Answer. I have no doubt it did.

Question. Did you regard that as an intimidation?

Answer. Certainly I did.

Question. Was that an isolated case, or were there other cases?

Answer. I do not know of any other cases except that and the Corliss case. In regard to the murder of Senator Stevens it has proved a mystery to this day. He was assassinated in open day, and everybody has settled down into the belief, even his own friends, that it was not done for any political purpose.

Question. He was killed in the court-house?

Answer. Yes, sir.

Question. When a political meeting was in progress?

Answer. Yes, sir.

By the CHAIRMAN:

Question. From your position as a member of the bar at Raleigh or anywhere else in the State, is it your opinion that the reconstruction acts are acquiesced in as constitutional and binding upon the people of North Carolina?

Answer. Well, sir, I believe that a large majority, when I say nine-tenths I may be putting it too large, have acquiesced in them completely. I know I have myself, and I believe that nine-tenths of the people of North Carolina have, as a snailly, and that no attempt has been made or even thought of seriously to defeat those reconstruction acts.

Question. Is there in your judgment any disposition to reopen the question of reconstruction or of the constitutional amendments that have been adopted since the war?

Answer. I have not the slightest doubt that there is in the minds of nine-tenths of the people of North Carolina no such purpose.

Question. Have you, then, any belief as to the purpose of this secret organization upon this question?

Answer. Well, it was formed for the purpose I mentioned. In the examination at Raleigh I asked every witness, for they all had been members of the Ku-Klux society, how long since these outrages had taken place, and the answer was that it was from eight to twelve or fifteen months before, and they all said that they had in effect been disbanded.

Question. Do I understand you to say you do not believe that any such purpose is entertained by the members of the organization?

Answer. It may have been at the time, but I do not know. I cannot say. I do not believe that they did entertain such a purpose. I believe their only purpose was what I have already stated.

Question. Was not the appearing of these parties before these judges looked upon as involving a partisan question?

Answer. Well, it came immediately after the application for the writ of habeas corpus, and the people had become greatly excited. It assumed, therefore, somewhat of a party character.

Question. Was it not looked upon as involving the relative position of the parties in the State with regard to the Ku-Klux organization? Was not that the tone in which the public sentiment ran at that time?

Answer. I can hardly answer that question.

Question. In other words, was it not looked upon in this light: that the leading members of the conservative party either sought to screen or excuse these outrages, while those of the republican party sought to bring them to justice?

Answer. Well, sir, that was charged; I cannot say that it was so.

Question. It is for the very purpose of getting your candid opinion of the fact that I put the question. Taking the leading men and the leading presses of the conservative organization of North Carolina, can you say that they unequivocally and unhesitatingly denounced these outrages?

Answer. Well, sir, I know that they did to some extent; and I know that they were charged with not doing it to a sufficient extent.

Question. Taking the leading men and presses of the republican organization, did they unequivocally and unhesitatingly denounce these outrages?

Answer. They did.

Question. Then any support or apology that the organization or its outrages had was from the conservative party?

Answer. Yes, sir; in defending them. I grant that they were formed for the purpose of acting against the Union League. I believe one produced the other.

Question. That was the ground taken in apology for them?

Answer. Yes, sir.

By Mr. BLAIR:

Question. In reply to the question of General Nye about the intimidation of Senator Shoffner, you said it was for the reason that he had introduced a bill to put the State of North Carolina under military law?

Answer. Yes, sir.

Question. Was not that eminently an act of intimidation of itself? Was it not intended to intimidate the people of the State for political purposes?

Answer. That was charged.

Question. Was not that its legitimate effect?

Answer. I think it was.

By Mr. NYE:

Question. In that trial, in which you were engaged, did you yourself volunteer as counsel to bring the question up with other counsel, or were you employed as counsel?

Answer. No, sir. I was employed as counsel.

Question. Employed by whom?

Answer. By the gentlemen who had been arrested by Kirk and his men, who were formed under the Shoffner act. The governor is now to be impeached for pretending to act under the Shoffner act, but not acting under it.

Question. Did not that trial assume a political aspect? Were not the conservatives rallied on one side and the republicans on the other?

Answer. Well, sir, it was not the intention, but I rather think that was the result.

Question. It did result in that?

Answer. Yes, sir.

Question. Was there any one who assumed to act with what you call the conservative party?

Answer. Yes, sir.

Question. Did any one of that party volunteer, or was any one then employed to assist on the other side?

Answer. Yes, sir.

Question. Who was he?

Answer. Mr. McCorkle on behalf of Colonel Kirk and his men. Mr. Boyden, though he belongs to the republican party, and professes to be and is a very moderate man, was also employed. Mr. Bailey, the other counsel, up to about that time, was acting with the conservative party, but about that time he professed to have been attached to the republican party.

WASHINGTON, D. C., February 14, 1871.

WILLIAM H. BATTLE, examination continued.

By the CHAIRMAN:

Question. You spoke yesterday of your belief that the people of North Carolina acquiesced in the reconstruction acts of Congress, and the amendments to the Constitution of the United States. Do you speak of that acquiescence as an acquiescence to civil force, or is it because the people of North Carolina acknowledge the binding constitutional efficacy of both the reconstruction acts and the constitutional amendments?

Answer. A considerable portion of the people of the State at first did not acquiesce in the constitutionality of the reconstruction acts; but as soon as General Grant and Mr. Colfax were elected President and Vice-President, they considered it as a fact accomplished, and that they must acquiesce in it as legal and constitutional; that they had no further right to oppose it. That was my view, and I think that was the view of nine-tenths of the intelligent people of North Carolina who belonged to the same party I did at that time.

Question. Do we understand you as expressing it as your view that the reconstruction acts are constitutional, and the amendments to the Constitution of the United States are legal and binding?

Answer. That we are bound by them as much as by any other portion of the Constitution, no matter what may have been our original views. The matter has been decided against us, and we are bound to acquiesce in it the same as if we had done so from the beginning.

Question. I have put this question to you with the view of putting the further question whether any part of the people of North Carolina would again disturb the public peace or the national tranquillity, by efforts to attack either the reconstruction acts or the amendments to the Constitution?

Answer. I have not the slightest doubt that you could not get a respectable number of the people of North Carolina to attempt any such thing. Here and there you might find a wild man, who entertains extraordinary views about everything, who would say, "Well, we do not believe in these things." But that is not the sentiment of a large majority of the people of all parties in North Carolina.

Question. Do you believe that the peace and security of the State can be entirely secure until the public sentiment of all parties can be made unanimous in condemnation of the Ku-Klux outrages, as they are termed?

Answer. I believe that is the sentiment of a large majority of the people of North Carolina at this time. I was looking this morning over the message of Governor Holden to the legislature, and if you have it here I can show you that he stated, and I believe stated truly, that that question formed no part of the issue in the last campaign. In that campaign there was not a word said about the unconstitutionality of the reconstruction acts.

Question. The question which I put to you was whether the peace and security of the State could be secure until the public opinion of all parties was made unanimous in condemnation of these Ku-Klux outrages?

Answer. I think that is now the sentiment of the great majority of the people of North Carolina. I think that is necessary to the security of the people of the State; but I think it has already been brought about—has already been accomplished. And I furthermore think, if you will allow me to express an opinion, that if they will, as I think has already been done, or is about to be done, put an end to all secret organizations—Union Leagues, Ku-Klux Klans, and everything of the kind—that will be the first great thing to secure the peace and prosperity of our State.

Question. Are you acquainted with the member of the legislature, Mr. Strudwich, I believe, is his name, who introduced the articles of impeachment against Governor Holden?

Answer. I know Mr. Strudwich; he is a member of the legislature from the county of Orange.

Question. Did the testimony in the cases of which you have spoken, and in which you were counsel, show him to be a member of this so-called Ku-Klux organization?

Answer. There was one man who spoke of what another man had said about what certain people in the town of Hillsborough had said; it came through two or three hearsays. I think Mr. Strudwich's name was mentioned as one of those who had advised something. That is all I heard or know about it.

Question. All you know is what was disclosed in the testimony in those cases?

Answer. Yes, sir; what you will find in that testimony; that is all I know about it. I desire to say with regard to a question asked me here yesterday, about some testimony given by Mr. Boyd, in relation to a man of the name of Bradshaw being concerned in some way with the murder of the man Outlaw; I have glanced over his testimony, and I find that Mr. Boyd did say that a man named Bradshaw, who has now fled the country, did state that he was present on that occasion; I did not recollect that yesterday; and I now state that that was a part of Mr. Boyd's testimony.

Question. You have stated that you and other gentlemen were retained as the counsel of those men who were charged with committing these Ku-Klux outrages?

Answer. We were employed as counsel.

Question. Were you compensated by those men, or by any association?

Answer. We have not been compensated at all yet by those men; we have been promised compensation; we have been paid in part for our services as counsel for the gentlemen who applied to Chief Justice Pearson, and afterward to Judge Brooks, for writs of habeas corpus.

Question. Was there any society, or organization, or party that employed counsel?

Answer. None in the world; we were employed by the gentlemen themselves.

By Mr. BAYARD:

Question. What do you know of Colonel Kirk?

Answer. I know very little about him of my own knowledge. I have seen him; but if he should come into this room now I do not know that I should recognize him.

Question. What was his reputed character?

Answer. If you will allow me to speak of what I have heard—I have never lived in Tennessee, of which State he is said to be a resident. I can state what I have heard, and what has been deposed upon the trial of Governor Holden, upon his impeachment. It was said that his character was that of a desperate ruffian; that at the beginning of the war he had joined the confederates, and afterward had gone over upon the other side, and had acted as a Jayhawker, as they are called out West.

Question. That he had acted upon both sides?

Answer. So it was said. Colonel Cocke, formerly a member of Congress from Tennessee, who, for four years before the war, represented a district of East Tennessee in Congress, moved over into North Carolina at the close of the war, and is now a citizen of Asheville. He was examined, and gave testimony of that character.

By the CHAIRMAN:

Question. Do you mean he was examined on the impeachment trial?

Answer. Yes, sir; as to the character of Bergen and Colonel Kirk.

By Mr. HAYARD:

Question. What did he say about Bergen?

Answer. I forget whether he or some man from Tennessee spoke about Bergen. Both of them were given bad characters. He said Bergen came from New Jersey, I think, and had been living there but a short time; that he came out there and professed to be a lawyer; I know he claimed to be a lawyer, for I saw a letter he wrote to Chief Justice Pearson in which he said he was a member of the bar. I think Colonel Cooke spoke of the character of Bergen; but I am not sure about that. I know the other witnesses did.

Question. Were you present when these prisoners were brought in by Bergen and Kirk under the writs of habeas corpus issued both by Judge Brooks and Judge Pearson?

Answer. They refused to bring them in before Chief Justice Pearson.

Question. After they did bring them in?

Answer. I was present in court at Salisbury, where Judge Brooks made his writs returnable, when some of them were brought in.

Question. Were any cruelties deplored to by witnesses as having been perpetrated upon them by Kirk and Bergen?

Answer. There was very little said about any cruelty exercised by Colonel Kirk. I heard some of the prisoners say that when Kirk was not excited he was rather kindly disposed, but they said when he was excited he was a pretty rude, rough man; and I have here the affidavits, or a copy of the affidavits, of three men, and I think there were two other affidavits, in which they swear that they were taken out at the dead hour of the night by Bergen and hanged until they were very nearly dead. These affidavits they filed before Judge Brooks for the purpose of getting out a warrant against Bergen, for they had understood that Bergen had threatened if they were discharged by Judge Brooks he would take them up again.

Question. That he would rearrest the prisoners if they were discharged by Judge Brooks?

Answer. Yes, sir; and thereupon they made these affidavits, and upon them obtained a warrant upon which Bergen was afterward arrested and imprisoned in Raleigh. He was also imprisoned upon some civil writs that were issued against him for trespass *ri et armis*. This book which I have here was got up by myself at the request of a great many members of the bar. In it I have included every paper of every sort that was introduced on those hearings—Governor Holden's proclamations, the letters that passed between him and the chief justice, and all the other papers.

Question. Are all the facts authentic which are stated in that book?

Answer. Yes, sir.

Question. Extracts from papers filed in your courts?

Answer. Yes, sir; every one of them, excepting, of course, the arguments of the counsel. Here is the affidavit of Lucien H. Murray, (pointing to it in the book.) I think his affidavit is about as strong as any there.

By the CHAIRMAN:

Question. We are not to understand you as vouching for the truth of all that is testified to, when you say all the facts in that book are authentic?

Answer. Of course not. I only vouch that these are correct copies of the papers; I do not vouch for the correctness of the statements.

By Mr. HAYARD:

Question. This affidavit of Lucien H. Murray, which is on page 67 of this book, is a true copy of the affidavit filed by him in the United States court?

Answer. It is.

Question. That affidavit was on file there?

Answer. Yes, sir.

Question. It was read before Judge Brooks?

Answer. Yes, sir; it was drawn up by one of the counsel, not by myself, but by one of my associate counsel, and I saw the affidavit before it was presented. Judge Brooks had great doubt whether a United States district judge had a right to act as a peace officer and to issue a warrant. The matter was debated at very great length and with very great ability by counsel on both sides, among the rest Mr. McCorkle, whom I mentioned yesterday as a conservative, who appeared as counsel upon the other side. Some of the conservative papers, I think rather improperly, called him to account for it; and you see that he alludes to that in his opening remarks. But all the counsel on our side told him that he acted perfectly right; that Bergen had a right to be defended, and that it was his duty when called upon as counsel to act as such.

Question. Was Bergen present when that was read?

Answer. He was not present when the writ was applied for.

Question. Was there a hearing subsequently?

Answer. Judge Brooks did not decide the question at Salisbury, but adjourned the further hearing of it to Raleigh. He came down there, and the matter was argued there very fully. I am not sure whether Bergen was present or not when that argument was going on. Judge Brooks was sitting the same time as Judge Pearson, Judge Brooks having discharged all the prisoners.

Question. You mean the prisoners arrested by Bergen and Kirk?

Answer. Yes, sir. Judge Pearson was applied to for bench warrants against both of them.

By Mr. NYE:

Question. What is a bench warrant? I understand a bench warrant to be one issued upon an indictment.

Answer. It is merely a warrant issued by the judge, running all over the State. In North Carolina a common magistrate, a justice of the peace, may issue a warrant, but it does not run out of his own county.

Question. You mean by a bench warrant one that runs over the whole State?

Answer. Yes, sir; issued by a judge and directed to the sheriffs of all the counties in the State. Those were bench warrants issued by Judge Pearson; and a great many of those parties were brought up. They were what we call the Ku-Klux cases, of which I spoke yesterday. I was retained as counsel by them, and was down before Judge Pearson while this other case was going on in another part of the building, in the court presided over by Judge Brooks. Whether Bergen was present or not, I do not know. Bergen afterward applied for and obtained from Judge Bond, the United States judge for that circuit, a writ of habeas corpus; and Bergen was present then I know, because another counsel and myself appeared on behalf of the marshal, and Bergen had his counsel and was himself present, and the whole matter was argued before Judge Bond.

By Mr. BAYARD:

Question. Do you know the grounds of his discharge by Judge Bond?

Answer. You will find Judge Brooks's opinion and Judge Bond's opinion in my book here. He decided it upon the ground that Judge Brooks had no jurisdiction of such a case.

Question. Judge Brooks held that he had jurisdiction?

Answer. He did upon the ground that the fourteenth amendment made them citizens of the United States as well as of North Carolina; and that as citizens of the United States he had a right to protect them, especially after Judge Pearson had said that his authority was at an end, and that he could do nothing more for them.

Question. When you say "them" you mean the prisoners arrested by Kirk and Bergen?

Answer. Yes, sir; you will find all that fully stated in this book; and all the papers connected with it I. any way are included in this book. I determined that every party should have justice done him.

Question. And Judge Bond overruled Judge Brooks?

Answer. Not exactly overruled him.

Question. It amounted to the same thing; he undid his work?

Answer. Yes, sir.

Question. Was there any State process against Bergen at the time he was discharged by Judge Bond?

Answer. Yes, sir.

Question. Had any State process been served on him?

Answer. No, sir; it was rather an extraordinary thing, too. Bergen was there in the jail of Wake County, which, of course, was under the charge of the sheriff of Wake County, who had two or three writs in his hands against him—civil writs and warrants for crimes committed. The marshal of the United States was ordered to discharge Bergen, and he went down and turned him out of jail, and he was not arrested by the sheriff of Wake County.

Question. Why did not the sheriff of Wake County execute the process in his hands against Bergen?

Answer. That is more than I can tell.

Question. Who was the sheriff of Wake County?

Answer. Timothy F. Lee.

Question. Is he the sheriff now?

Answer. Yes, sir.

Question. And he allowed Bergen to go away, having in his hands at the time process for his arrest both upon civil and criminal charges?

Answer. Yes, sir. The marshal states that he received the order from Judge Bond late in the evening, and he discharged his prisoner at once, and he went right off.

Question. Bergen was then in the custody of Sheriff Lee?

Answer. He was in the jail.

Question. In the jail of which Lee had control?

Answer. He was in Lee's jail, but was considered as in the custody of the United States marshal.

Question. And in Lee's actual custody?

Answer. Yes, sir.

Question. What was the character of the men organized as militia by Bergen and Kirk?

Answer. The same testimony to which I alluded just now, as being now taken in the impeachment trial of Governor Holden, states that a great many of them were young men, under twenty-one years of age, and rather desperate characters.

Question. Where were they organized?

Answer. Up there, in the mountains.

Question. Were they citizens of the counties where these outrages were alleged to have been committed?

Answer. No, sir.

Question. Were they all residents of the State?

Answer. Not all of them; many of them were non-residents of the State. The constitution of North Carolina prescribes who shall constitute the militia of the State; that they must be citizens of North Carolina; that the constitution expressly provides, and that they must be between the ages of twenty-one and forty-five—I think forty-five or fifty; my impression is that it is forty-five.

Question. Does that same qualification of citizenship apply to officers as well as privates?

Answer. Yes, sir; and one of the charges against Governor Holden is that he appointed as officers of the militia men from other States.

Question. Both Kirk and Bergen were confessedly citizens of other States?

Answer. That is denied now. They put in a special plea in these cases that they were citizens of the State of North Carolina. I was told, just before I left Raleigh, that when they first came to Raleigh they registered themselves at the hotel as citizens of Tennessee. After a time they came back to the hotel and registered themselves as from North Carolina.

Question. What number of men did Kirk organize in his band?

Answer. A regiment, I think.

Question. Do you know how full the regiment was?

Answer. I do not; I think it was an ordinary regiment.

Question. What was the general course of action of Kirk and Bergen when they went into the two counties of Alamance and Caswell—I mean, as you have heard from citizens of those counties and from public report?

Answer. They acted with a great deal of lawlessness; they just went where they pleased. I believe that Major Rodney, of the United States Army, made a report concerning them, which is about as correct as anything I can state. He says that the men brought together there were under very little control, who roamed about over the neighborhood and plundered and insulted whom they pleased.

Question. And arrested whom they pleased?

Answer. No, I suppose not; they probably arrested only those indicated upon a paper furnished by Governor Holden. I know they arrested the wrong man once, and found out their mistake afterward, and they turned him loose, swearing very hard about being misinformed.

Question. Who was he?

Answer. An old gentleman from Alamance, by the name of Holt. They turned him loose, and wanted him to go home. He swore he would not go; he said they had started him for the camp, and he would go there; and he did go.

Question. Do you know anything about any organization of negro militia in Chatham County by Governor Holden?

Answer. I have no knowledge of that.

Question. Have you any knowledge of any organization of negroes in any counties of the State, for the purpose of burning barns and destroying other property of the white population?

Answer. Organized under State authority?

Question. No; organized secretly.

Answer. Well, sir, there have recently been several trials in which that has been testified to.

Question. State the objects of those organizations, and their general character.

Answer. They organized, it was stated, for the purpose of burning barns and destroying property; they appointed two or three different bands, some of which were to burn the barns, and the others to shoot their owners if they came out and attempted to put out the flames.

Question. Have the men who have been tried, or any of them, disclosed any connec-

tions of Governor Holden with these bands, or any encouragement or instruction from him in connection with such acts?

Answer. I do not think there has been anything of the kind. I have not heard of any connection that Governor Holden has had with anything of the sort.

Question. Were these organizations numerous, or did they extend over any large section of country?

Answer. They extended from Raleigh up through a portion of the northwestern part of Wake County into Chatham County, and into Harnett County, which joins Chatham and Wake Counties.

Question. Did the acts of these organizations necessarily produce great anxiety among owners of property in that region?

Answer. It did so. A great many barns were burned, and stables and horses.

Question. Were there in those counties many cases of robbery of meat-houses and storerooms of the people?

Answer. Yes, sir.

Question. State in your own way what was the general condition of affairs in that respect, and who were the persons who perpetrated those robberies.

Answer. It was understood that these men would rob their white neighbors' houses of what they could find in them. A great many cases of that sort were reported.

Question. Were there many cases of outrages upon the persons of white females in that country?

Answer. There were some; I cannot say there were many; I heard of some.

Question. There have been a great many cases of whipping reported, and one or two cases of putting men to death by hanging or drowning. Do you know of any cases where it was shown that this whipping of negro men was committed by negro men?

Answer. O, yes, sir. There are now four colored men in the penitentiary, who disguised themselves in the county of Alamance, called themselves Ku-Klux, and went about punishing men of their own color.

Question. Were many of these acts which have been reported committed by black men in disguise?

Answer. That is the only case I know of; and they were afterward in the court of Alamance County, before Judge Tourgee, and were convicted, and they are now in the penitentiary.

Question. It is then a fact that negroes did disguise themselves and commit such acts through the country?

Answer. There is no doubt about that; they acknowledged it, and are now in the penitentiary; my own opinion is that the Union League, as such, have now pretty well ceased to exist, and I am pretty well satisfied that all these Ku-Klux organizations have ceased to exist as such; I think the evidence proves that fact; but outrages continue to be committed by men who still disguise themselves, and go about committing what are still called Ku-Klux outrages; that has got to be a common term for such things; I saw the other day where four or five white men had been brought to Raleigh to be examined on Saturday; they called themselves Ku-Klux; but they were not; they never belonged to the Ku-Klux.

Question. Throughout those counties are colored men placed on juries?

Answer. Yes, sir.

Question. No discrimination made against them in that respect?

Answer. None at all; I believe the last criminal court held in Wake County was for the purpose of trying these Ku-Klux charges; I believe the grand jury had negroes upon it, and more than half the petit jury that tried them were negroes; I think there were eight negroes and four white men on the petit jury.

Question. In the United States courts what is the custom in regard to summoning negroes to serve on juries?

Answer. They are summoned there, too; I have made arguments in Judge Brooks's court before negro jurors.

Question. They summon them the same as they do others?

Answer. Yes, sir; if you should step into our court-houses at any time and look into the jury box you would find more than half of the jurors, sometimes half, and sometimes not so many of the jurors, were colored people.

Question. You say that most all the negroes were members of these Union Leagues?

Answer. It was so understood.

Question. Do you know whether those leagues were secret and oath-bound associations?

Answer. I do not know anything about their being oath-bound; I think they were secret societies; I was looking at Mr. Boyd's testimony this morning; I think he said they were secret associations, though they made open demonstrations.

Question. You do not know personally the nature of the oath they took?

Answer. I do not know that they took any oath at all; I do not remember that I have ever heard whether they took any oath at all; but they were secret associations beyond a doubt.

Question. What is the present condition of the indebtedness of your State? Or, as that is rather a general question, I will ask you what was your State debt in 1865, at the close of the war?

Answer. I have no paper containing a statement of it, and I am compelled, therefore, to rely upon my recollection of what was stated in Governor Holden's message to the legislature; I think he states that the anti-war debt, as it is called, was nearly nine millions of dollars—between eight and nine millions; and that was increased by appropriations made by the legislature before the war, but for which bonds were issued during the war, and which increase was therefore recognized; but all of what were called the war bonds were repudiated by both the convention of 1865 and the convention called under the reconstruction acts; then the legislature that was elected at the same time the new constitution was adopted—

Question. That was in 1868?

Answer. Yes, sir; that legislature passed bills directing the issue of bonds, I think, to the amount of thirty millions of dollars; may be more. Eight or ten millions of those bonds were, by the supreme court, declared to be unconstitutional, and therefore are not included by Governor Holden in his statement. He makes the present debt thirty millions of dollars, in round numbers; twenty-nine millions and a large fraction over.

Question. That is, including the nine millions of the anti-war debt?

Answer. Yes, sir.

Question. And since the war the debt has been increased over twenty millions, exclusive of that which has been declared to be unconstitutional?

Answer. Yes, sir; for he speaks there of the necessity of providing for that amount.

Question. To whom were those bonds issued?

Answer. To the railroad presidents.

Question. Who appointed those railroad presidents?

Answer. They were elected by the directors.

Question. Who appointed the directors?

Answer. Some were elected by the stockholders, and some appointed by Governor Holden, according to the interest of the stockholders and the State in the roads, and these directors elected the presidents. I know that to be so from the fact that a ninth article of impeachment against Governor Holden has recently been adopted by the house of the State legislature, and it received the almost unanimous republican vote of the house; all of the white republicans and some of the colored republicans voting for it.

Question. What is that article?

Answer. That the governor issued some six millions of those bonds to George W. Swepson, as president of the western branch of the Western Railroad, and did not first require what the law demanded.

Question. Who were the directors of that road?

Answer. I do not know; they have been changed since then. A gentleman by the name of Rollins, who is now the president of the road, is in the city at this time; he could tell you.

Question. Is he a North Carolinian?

Answer. No, sir; he is a northern man.

Question. He does not live in the State?

Answer. He has lived there for a few years.

Question. Was there a general public belief in the wastefulness and corruption connected with the creation of that debt?

Answer. Yes, sir; a very general belief.

Question. What effect had that belief on the minds of the people?

Answer. It had the effect, in the western part of the State, of alienating even those who belonged to the republican party from that party. I think it had a very great influence upon the last election.

Question. Was or was not that fear or apprehension of total insolvency of the State one of the leading issues in your canvass, if not a leading issue?

Answer. When the canvass commenced, the great issue was the wastefulness of the party in power.

Question. Governor Holden's administration?

Answer. Yes, sir; and that may be said to have absorbed all others. Just toward the close, the employment of Kirk and Bergen came in, and I think settled the fate of the election beyond all question. It was doubtful before.

Question. The sending of these armed bands into the county of Alamance?

Answer. That had an effect throughout the State; it went like an electric shock from one end to the other. I think it influenced thousands of votes; I know Colonel Dockery, member of the present house, will tell you his defeat was caused by that.

Question. Prior to that, what was the absorbing issue?

Answer. It was the wastefulness of the public money; the formation of rings by which they said the treasury had become exhausted.

Question. Describe the formation of rings, and what was the popular belief on that subject?

Answer. The popular belief was, that General Littlefield—who has a great reputation, whatever it may be, in North Carolina—that he and others came there and formed a third branch of the legislature, as they called it, in one of the rooms of the capitol, where whisky and other things were furnished; and it was said that those who could not be bought with money were treated and cajoled out of their votes, so that the public money was voted away by millions, and Littlefield, Swopson, and others got the benefit of it.

Question. Was General Holden supposed to be privy to this?

Answer. For a long time it was believed that he was not. The only thing attributed to him was, that he did not look sharply at the matter, fight it and denounce it, but that he rather acquiesced in it; but of late they are beginning to charge him with being a participator in it.

Question. Does this charge form a part of the articles of impeachment in his present trial?

Answer. I think not; I think the house of representatives have voted almost unanimously for the ninth article, every white republican voting for it, and eight or ten of the colored members voting against it. I know that a leading republican from the West came down and urged it—said if they would convict him on that charge, which would not be difficult, the conviction would not assume a party character.

By Mr. BLAIR:

Question. What was the ninth article?

Answer. That Governor Holden had issued \$6,000,000 of bonds to Mr. Swopson without conforming to what the law required before they were issued.

By the CHAIRMAN:

Question. Do you say that the ninth article is preferred as one of the charges?

Answer. Well, it has not yet been accepted by the senate. It was voted upon a day or two before I left, by the house of representatives, and received a large majority.

Question. As an additional article?

Answer. Yes, sir.

Question. You say every white republican voted for it?

Answer. Yes, sir.

Question. And a certain number of the colored republicans voted against it?

Answer. Yes, sir; a few—some eight or ten.

Question. Was the article adopted then by all the votes in the house except those of the colored republicans?

Answer. Yes, sir.

By Mr. BAYARD:

Question. Have you a general knowledge of those eight or ten colored men who voted against it; whether they are persons of any property?

Answer. I have not. I might guess, but I would hardly like to put that in as testimony. Some of them may have property. I could not tell which has and which has not.

By Mr. BLAIR:

Question. Does all the property destroyed in the State by these Ku-Klux and other secret societies amount in the aggregate to anything like the amount of these bonds which have been issued corruptly?

Answer. No, sir; nothing like it.

By Mr. WILSON:

Question. Where is General Littlefield now?

Answer. In Florida. The acting governor of North Carolina, Lieutenant Governor Caldwell, is displaying very commendable diligence in endeavoring to punish the men who have robbed the State. He sent a requisition to the governor of Florida, for General Littlefield. He consulted with me upon the subject. Though he and I belong to different parties, yet I regard him as a very moderate man. Hearing that General Littlefield was in Florida, he made out what I believed to be a perfectly full requisition according to all the forms of law, and sent it to Governor Reed, of Florida. Governor Reed refused to act upon it, alleging that there was some informality in it. It came back to Governor Caldwell, and he supplied what Governor Reed said was wanting, and sent it again. Governor Reed still refused to deliver the man up. Thereupon Governor Caldwell sent a short message to the legislature, requesting them to authorize him to offer a reward of \$5,000 for General Littlefield's arrest. That was passed unanimously and immediately, and thereupon he issued his proclamation.

By Mr. BAYARD:

Question. Was it passed by the votes of republicans?

Answer. Yes, sir; by all parties in the legislature. A pretty resolute man, who was a

member of the house of commons, and was sent out there by Governor Caldwell to make the demand of Governor Reed, hearing that the reward was offered, went back and got some men from Savannah to go with him, and they came very near catching General Littlefield. And now the governor of Florida has offered a reward to any man who will catch the man who attempted to kidnap General Littlefield.

By Mr. BLAIR:

Question. Where did General Littlefield come from? Did he live in North Carolina?

Answer. He staid there some time. I cannot tell where he does claim to live. I understand his family live here. He is a northern man. I have understood that he has been operating in South Carolina and Florida, as well as in our State.

Question. Were most of the men connected with the railroads in North Carolina northern men?

Answer. Most of them, I think, were North Carolinians.

By Mr. RICE:

Question. Mr. Swepson was a North Carolinian?

Answer. Yes, sir; General Littlefield was not.

By Mr. BLAIR:

Question. Senator Abbott is one of the directors, is he not, of the Western Railroad?

Answer. I really cannot tell you; I never paid much attention to that matter. General Laffin was a director.

Question. Where was he from?

Answer. From New York. I think he is a brother of the member of Congress of that name.

By the CHAIRMAN:

Question. Was not the legislation authorizing the issue of these bonds participated in by both parties?

Answer. I understand some of the railroad bills were voted for by some members of the democratic party, but not by the party generally; only a few.

Question. In authorizing the issue of the bonds, was it made a party question at all, or was it voted as a public improvement?

Answer. It was voted as a public improvement, but nearly all the democrats voted against it as a wild scheme.

Question. In the organization of the roads were not democrats and republicans associated in the management of them?

Answer. Well, sir, I can hardly answer that question.

Question. Take the Western Road; was not General Cllngman associated with General Littlefield in the negotiation?

Answer. I do not know; I never heard about his having any connection with it till I came to Washington.

Question. Do you know now?

Answer. I do not. All I know is that he claims that Littlefield owed him a debt, and he went to Florida to try to secure it.

Question. One of the directors has stated in his testimony before us that General Cllngman was a director.

Answer. I think I have heard so; but whether he had anything to do with the negotiation I do not know.

Question. Do not both parties join in endeavoring to bring to justice the men who have fraudulently used the funds placed in their hands?

Answer. Yes, sir.

By Mr. BLAIR:

Question. Did not the radical party defend Governor Holden in the canvass against these charges?

Answer. O, yes, sir; they did last summer, at first.

By the CHAIRMAN:

Question. The issue last summer was the issue of these railroad securities?

Answer. Yes, sir, among other things—general extravagance.

Question. The charges of impeachment, upon which the present trial of Governor Holden is based, were based upon the use of the militia when the articles were first preferred, were they not?

Answer. The first articles were for the employment of the militia and the suspension of the writ of habeas corpus.

Question. The 5th article is not yet adopted by the senate?

Answer. It had not been when I left; it was just voted by the house, and had not been put in order by the senate.

Question. That was after the other articles were made out?

Answer. O, yes, sir, while the trial was going on.

Question. How recently have the negro outrages occurred, of which you spoke, in Chatham County?

Answer. Within the last six months, I think.

Question. After the whippings that have been spoken of as being committed by the Ku-Klux?

Answer. O, yes, sir; some twelve months after.

Question. In what you have stated in regard to them, have you spoken merely from general information, or were you counsel in any of the cases?

Answer. I was not counsel in any of the cases.

Question. Were you present at the trial?

Answer. I was not.

Question. Then the information you have concerning them is not personal, but public information?

Answer. Precisely—what I have learned from the papers.

Question. You have mentioned the appearance of Mr. McCorkle as counsel for Colonels Kirk and Bergen?

Answer. Yes, sir, or rather for Governor Holden.

Question. He appeared as counsel for whom?

Answer. The counsel said they were acting under the order of Governor Holden—employed by him.

Question. Did I understand you correctly as saying that the conservative papers censured and denounced him in his professional capacity as counsel?

Answer. One or two of them said he ought not to have done so, being a gentleman of the conservative party; but that was repudiated by the profession. I do not know that it was generally so spoken of by the papers, but it was by one or two of them.

Question. Your attention was called to an affidavit of Incien Murray in this book prepared by you; was he ever confronted by Mr. Bergen in a hearing before the court?

Answer. I was not present when that matter was discussed; I was before Justice Pennington attending other causes; this was up stairs, before Judge Brooks.

Question. Do you know whether he or his counsel had any opportunity of cross-examining Mr. Murray?

Answer. I do not.

Question. What became of his case—the application for a writ of habeas corpus?

Answer. A warrant was granted and Bergen was committed to jail, and was afterwards released by Judge Bond.

Question. Mr. Murray was released?

Answer. O, yes, sir; by Judge Brooks. That affidavit was drawn up after he was released, upon its being stated that he feared Bergen would have him re-arrested.

Question. Was there any other opportunity for Bergen to cross-examine Murray?

Answer. Not that I know of.

Question. Do you know whether Murray was a member of the Ku-Klux organization?

Answer. I think he was not; I am not certain.

Question. Have you any knowledge?

Answer. On the subsequent examination they did not connect him with it at all; it turned out that he had been taken up without proper warrant or authority, without having been guilty of any crime whatever.

Question. Where you know persons to be members of this organization, would you give evidence to their affidavits against parties charged with arresting them?

Answer. If they were honest men.

Question. Where you know them to be members of the organization?

Answer. Yes, sir, if I knew them to be members of the organization; if I believed them to be honest men. The examination of Tickell and others satisfied me that if they were honest men they would testify to the truth, and act according to the truth.

Question. You have spoken of the men who have been examined in the impeachment trial, with reference to Colonel Kirk's reputation; what was their position? had they been palliating or excusing the Ku-Klux?

Answer. Well, sir, they lived a long way out of the range of the Ku-Klux.

Question. Do you know what their position was?

Answer. I do not.

By Mr. BAYARD:

Question. Was Mr. Cook a member of Congress?

Answer. Colonel Cook had been a member of Congress from East Tennessee.

By the CHAIRMAN:

Question. Before the war?

Answer. Yes, sir. At the close of the war he moved into our State, and is practicing law there, and I understand he is a very respectable gentleman.

Question. Do you know whether he excused or denounced the Ku-Klux?

Answer. I do not; I have no information, actual or by rumor.

Question. Can you tell the position of any of the parties who testified in the impeachment trial, whether they sympathized with or denounced the organization?

Answer. I do not know, and therefore cannot state.

Question. There is a very deep-seated feeling and excitement among the individuals there with reference to this question, is there not?

Answer. There has been; I do not think there is now. The general impression is that now all the outrages that are committed by disguised men are by persons who are not members either of the Union Leagues proper or of the Ku-Klux associations.

Question. From your position as counsel in these cases, was it your own individual position that the reconstruction acts were unconstitutional?

Answer. Well, sir, I maintained that, and voted for Seymour and Blair on that ground.

Question. Did you also take the ground that the fourteenth and fifteenth amendments were not adopted?

Answer. No, sir; I never took that ground in my life; and as soon as General Grant and Colfax were elected I considered that matter settled, just as much as if in a court of law a rule of law was decided against me, and that it was my duty to acquiesce in it. I was sworn to support the constitution of North Carolina, and I feel myself just as much under obligation to support them now as I did before the war.

Question. Has your own position been in antagonism to Governor Holden on these questions arising out of the proceedings in Alamance County?

Answer. Well, I have been opposed to his course.

Question. You denied his right to declare those counties in insurrection?

Answer. Yes, sir, and I deny it to this day, and that is one of the main grounds upon which he is impeached. I contended that he had no right under the constitution to declare a whole county in insurrection, for by so doing he makes everybody in the county, men, women, and children, traitors, and liable to be tried for treason. I put the question to the chief justice in an argument before him, whether if a county in which he happened to live were declared in insurrection, that would make him a traitor, and he decided that it would.

By Mr. BAYARD:

Question. Was the effect of declaring these counties in insurrection and then sending a colonel of militia into it, to place every man, woman, and child in that county under the unlimited discretion of the militia?

Answer. That is the effect of the decision of the court under the Shoffner act. I denied the right to declare that the whole county was in insurrection. Only those engaged in insurrection could be traitors, but that the whole people of the county were engaged in insurrection I denied, and still deny.

Question. You have spoken of a number of cases of barn-burning and theft; state whether the persons who lost property in that way were, in your knowledge or belief, members of the conservative party, or were they known as radicals politically?

Answer. Most of them were members of the conservative party; no doubt about that.

Question. Were such cases of outrages generally directed against the property of conservatives?

Answer. I think they were; that is what was understood.

Question. You have spoken of two classes of outrages, one directed against property and the other of a retaliatory character, directed against the persons who were supposed to commit them—these whippings, &c.; do you believe there is now through your State a popular disposition, accompanied by a legal efficiency, to punish such offenses on either side by law?

Answer. I believe that all the people of North Carolina are now so disposed, and I believe a bill has been introduced in the legislature for the purpose of making highly penal the holding of all these secret political organizations.

Question. In the present legislature?

Answer. Yes, sir.

Question. To punish and arrest such a course of things?

Answer. Yes, sir.

Question. Do you believe such laws can be efficiently executed?

Answer. I believe they can.

Question. With the sentiment of the people in their favor?

Answer. Oh, yes, sir, of all parties.

By Mr. RICE:

Question. When were the railroad bonds issued?

Answer. In 1867 or 1868; I cannot give the precise date. There were \$5,000,000 issued to Mr. Swenson, and they are all gone. I have inquired how much was realized for the benefit of the road, and the very highest estimate is \$150,000 out of the \$5,000,000.

Question. When were they sold?

Answer. I cannot tell you. They have been hawked about in New York, and I believe some have gone to Europe.

Question. When did the legislature meet that authorized it?

Answer. It was elected at the same time that the new constitution was adopted, in 1868. They were voted for on the 21st, 22d, and 23d of April, 1868. The constitution was adopted and officers were elected under it at the same time.

Question. How long after the passage of the act was it before the bonds were issued?

Answer. I think it was the following winter.

Question. After the presidential election?

Answer. Yes, sir.

Question. When did the discussion commence in regard to the profligacy of Governor Holden's administration?

Answer. Well, sir, soon after the legislature began to make these appropriations, as I have already said, a few democrats, a very few, voted for them; I think they wanted to get—at least they were charged with wanting to get—some part of the spoils.

Question. Was that in the issue of the canvass in 1868?

Answer. No, sir, the only issue then was whether the constitution should be adopted or not.

Question. I mean in the presidential campaign of 1868, was there any issue in regard to that?

Answer. I do not think it was an issue; I think the main issue was whether the reconstruction acts were to be sustained or not.

Question. Then the Ku-Klux organization was in existence prior to the time that there was any issue in regard to the extravagance of Governor Holden's administration, was it not?

Answer. I reckon it was all about the same time. I was looking over the testimony of Mr. Boyd, the principal witness introduced on the part of the State by Governor Holden's counsel, and I see that he says the Union Leagues were first formed for the purpose of accomplishing an object, and that was, to unite all the colored citizens of the State into a party to vote the same way, as they do most unanimously, and that the Ku-Klux organizations were formed in order to counteract their effect; that is what he says in effect, and I believe it is true.

Question. But the Ku-Klux organization did not grow out of the extravagance of the State administration?

Answer. I do not think it did; but then they were kept up for the purpose of defeating that party.

By Mr. BLAIR:

Question. You said you did not believe there was more than \$150,000 realized for the State, or toward the accomplishment of the work on the Western Railroad, out of the \$6,000,000?

Answer. The western division of it.

Question. How much was realized out of the other bonds for the State and the roads?

Answer. Nothing, I think. There was a large number issued to A. J. Jones and others.

Question. Nothing, comparatively, was realized out of any of those bonds toward the completion of these works?

Answer. Very little, indeed.

Question. Do you suppose that \$1,000,000, altogether, was realized out of the \$21,000,000?

Answer. Probably that would be putting it a little too low; perhaps \$2,000,000 or \$2,500,000 would cover the whole amount.

Question. That was all that was realized?

Answer. And hence there is among all parties in the State a strong indisposition to pay for them.

Question. You say you do not know where these bonds are?

Answer. I do not; most of them, I think, are in the hands of brokers in New York.

Question. You say General Ladin, brother of the member of Congress, was one of these railroad men; did you ever hear of the circumstance of Mr. Ladin, member of the House, sending one of these bonds under his frank to one of his constituents?

Answer. No, sir; I never heard of it that I recollect.

By the CHAIRMAN:

Question. You have spoken of Mr. Boyd; did you know him as a member of the bar?

Answer. I did not until I saw him when he was examined.

By Mr. BAYARD:

Question. Do you know whether he was retained by Governor Holden?

Answer. I do not; but I was utterly astonished, as I believe everybody else was, when Governor Caldwell sent to the legislature an account of the expenditures made by Governor Holden, and among the rest was \$250 paid to Mr. Boyd as counsel.

Question. In what cases?

Answer. It was understood in these Ku-Klux cases.

Question. At the time he was making his confession and exposing them?

Answer. Yes, sir; if you will notice I cross examined Mr. Boyd, and asked him if he did not belong to the legal profession, and if it was not very honorable for a man to belong to it. He said it was. Then I asked if the word of an honorable man ought not to be as good as his oath. He replied, "Certainly." Then I handed him a card he had published, in which he denied that he knew anything about these things.

Question. That is Mr. Boyd's testimony; can you turn to the page?

Answer. I did not publish it in the book I produced here; it is in the documents accompanying Governor Holden's message.

By the CHAIRMAN:

Question. Taking the objects of the Ku-Klux organization, and its obligations to be such as were disclosed upon that trial, do you look upon it as dishonorable and unworthy for any citizen to disclose the existence and purposes of such an organization; was that your meaning?

Answer. I did not. My object was to show that Mr. Boyd had made a declaration as an honorable man, and then had sworn differently as a witness.

Question. Was he not bound to conceal it?

Answer. I had no objection to Mr. Boyd or anybody else coming out and telling everything.

Question. Did you not understand that the obligation of the order required him as a member to conceal the fact?

Answer. Yes, sir; but he had a right to abandon it, and then he ought to come out and disclose everything. I admitted that.

Question. Was there anything in the examination to discredit his testimony?

Answer. None, except that.

Question. Any attack upon his character?

Answer. No, sir.

Question. He was well known there.

Answer. Yes, sir.

Question. He had been a democratic candidate for the legislature in Alamance County at the time he made this disclosure?

Answer. Yes, sir.

Question. Did you ever hear anything against his standing before, as a member of the bar or a citizen?

Answer. I had not. I think he stood fair. I desire, with the permission of the committee, to read a portion of a leading editorial article from one of our independent papers, the Daily Telegram, of Raleigh, of February 10, 1871. One of its editors is a moderate republican and the other a moderate democrat: "The leagues of the republicans and the klans of the conservatives have already damaged the material interests of North Carolina beyond computation, and their influence will be felt for years to come. The impeachment trial, now progressing in our State capital, originated in the organization of these two opposing associations, and over one-half the lawlessness of the State can be traced to their closed doors. It behoves the good men of both parties to repudiate and condemn them. Laws should be passed prohibiting them. They bode no good to a people. They are a nuisance and an utter abomination, and, if continued, will undermine our liberties and subvert the Government." I perfectly concur in everything in that paragraph.

By Mr. BAYARD:

Question. Do you believe the sentiment of the mass of the people of your State is in accordance with that?

Answer. I believe most of what I call the respectable portion of the people is now in full accord with that sentiment. I have not the slightest doubt about it.

By the CHAIRMAN:

Question. Did you publicly denounce the Ku-Klux before this trial?

Answer. I did, sir. This was a case where a woman in disguise went to frighten a poor fellow, and he thought she was a Ku-Klux, and killed her. I was at the trial as counsel for him, and availed myself of the opportunity to use the strongest language I could employ. I got it published in the Standard, at that time a republican organ.

WASHINGTON, D. C., February 14, 1871.

DANIEL R. RUSSELL, JR., sworn and examined.

By the CHAIRMAN:

Question. Please state where you reside?

Answer. I live in Wilmington, North Carolina, at this time.

Question. How long have you lived in the State?

Answer. I was born there.

Question. What position do you occupy?

Answer. I am one of the judges of the superior court for the fourth judicial district.

Question. What counties does it embrace?

Answer. It embraces the counties of New Hanover, Brunswick, Columbus, Bladen, Robeson, Sampson, and Duplin.

Question. Have there been any disturbances in your judicial district within your knowledge affecting the security of person and property? If so, give us your knowledge with regard to them.

Answer. Well, sir, in the county of Robeson there has been a great deal of lawlessness. That lawlessness, however, is not in anywise political; it simply grows out of the depredations of a band of robbers, who are banded together for ordinary purposes of robbery, and who existed before and during the war, before party organizations were formed in the State, and their depredations are not confined to democrats or republicans, but they depredate generally on men of all shades of political opinion. They have been indicted in the courts and have been outlawed by myself; they are well known to the community, and the evidence is abundant; the only difficulty is to apprehend them. There is a company of United States troops there now after them. The citizens have been called out frequently. Two of them were convicted and sentenced to death by myself, and they broke jail. It is safe to say, however, that the lawlessness in the county is in nowise political.

Question. Is there any difficulty in administering justice in the counties where you succeed in arresting the criminals?

Answer. None whatever; because men of all shades of opinion are entirely in favor of punishing them. Bills have already been found by the grand jury. There is no difficulty in getting a bill there; and no difficulty in procuring witnesses; and no difficulty with sufficient evidence in procuring a conviction.

Question. Who is supposed to be the strength of the organized band of robbers?

Answer. The twelve members probably do not number fifty. It is doubtful whether there are more than fifteen or twenty that are actual perpetrators of crime. The negroes and white people are all opposed to it. The militia was called out in August, 1869, to arrest them. The calling out of the militia caused more lawlessness. These outlaws are mulattoes who reside in Skuffletown, which is inhabited by mulattoes and negroes, and are supposed to have some sympathizers in the community. The militia, in August, 1869, caught some of them; and the calling out of the militia themselves occasioned a great many depredations to be committed upon those who were known to be their sympathizers and friends. It was observed at the next term of the court that there were more negroes indicted for depredations upon negroes than there were upon whites; in other words, the prejudices of the right-minded negroes themselves seemed to be as decided as those of the whites against these outlaws.

Question. Is there any other portion of your district in which there has been any disturbance of the public peace?

Answer. There have been crimes committed in some of the counties—in at least two of them, to my knowledge; and I have reason to believe that in one of them, at least, they were political.

Question. Which county is that?

Answer. Sampson.

Question. What was the character of that?

Answer. The most striking instance I have heard of was that of a colored man, who was said to have been a prominent gentleman and republican in the county, who was called out to his door just after dark, and shot dead by a party of men at the fence. That occurred in the year 1868, immediately after or during the presidential campaign. There has been no indictment, and, so far as I have been informed, no attempt to indict. That occurred within a short distance of the county town, almost within the corporate limits.

Question. Were the men in disguise who committed the offense?

Answer. I have never heard that they were. I took the trouble myself to inquire privately of negroes, and with one or two Union men in that county, if they knew anything about the facts connected with that murder. The invariable answer was, if they had any knowledge it would not be safe for them to reveal it.

Question. Was it the subject of investigation before any magistrates?

Answer. I have never heard that it was. Whether it was before a coroner's jury or not, I cannot say. It is usual to have such a jury, and the usual verdict in such a case is, death by some person unknown to the jury. Whether an inquest took place in that case, I do not remember. There has been no presentment or indictment before the grand jury.

Question. Was the occurrence given in charge to the jury to investigate?

Answer. The occurrence was given in common with all other offenses against the

criminal law in the county. I do not recollect whether particular attention was directed to that murder or not. It was well known in the community, and the grand jury knew it as well as anybody else; that is, the fact that the murder had occurred.

Question. What was the political complexion of that county and its officers?

Answer. Democratic.

Question. In cases arising out of injuries alleged to have been inflicted by this secret, disguised organization, do you believe that there is any difficulty in the administration of justice in the courts in consequence of the existence of the organization?

Answer. Well, I do not remember that there has been any indictment in any court over which I have presided against these masked marauders. I have a very decided opinion on that question, but I cannot speak from any positive personal observation.

Question. We would be glad to have your opinion, as a judicial officer of the county, of the state of things in your district?

Answer. Do you desire me to speak specially with reference to my district, or elsewhere in the State?

Question. Elsewhere in the State, if your information is such as to have formed an opinion upon it.

Answer. Well, sir, my information extends over most of the State, for I have taken the trouble to inform myself in respect to at least two-thirds of the State where these depredations have occurred, and from what I consider reliable authority, my opinion is very decided that it is utterly impossible to secure anything like a fair trial in any case where any person belongs to any of these secret organizations or clans, Constitutional Union Guards, &c.; utterly impossible in any such case to obtain a fair trial on the part of the State. In the first place, it is difficult to procure a bill of indictment through the grand jury. In nine cases out of ten the men who commit the crimes constitute or sit on the grand jury, either they themselves or their near relatives or friends, sympathizers, aiders, or abettors; and, if a bill is found, it is next to impossible to secure a conviction upon a trial at the bar. I have heard of no instance in North Carolina where a conviction of that sort has taken place.

Question. Does that difficulty arise from the presence of members of the organization on the jury, or from the appearance of witnesses in behalf of the organization, or both?

Answer. From both, so far as my information goes.

Question. To what extent is that the case in the State at present; in how many counties or districts that you are aware of?

Answer. Well, sir, my opinion is that it is the case in every county where these organizations have been introduced. They have not been introduced in all the counties, so far as my observation goes. For instance, in my own district, I am sure there are at least two counties where they have never been introduced at all, and one of these is a very strong democratic county.

Question. Name them.

Answer. Columbus and Brunswick.

Question. How as to the other counties of the district?

Answer. Well, sir, I speak merely from information. My opinion is it does exist in at least three counties in the district. The other three I am in doubt whether it does or not; at any rate, I have never seen any evidence in the other three in the jury-box.

Question. What three does it exist in?

Answer. Duplin, Sampson, and Robeson. There have been no outrages by that order in Robeson. Well, there have been some, I have no doubt, but none very flagrant; I do not know but I did hear of their killing one man. I believe the organization exists in those three counties.

Question. Are you elected by the popular vote?

Answer. Elected by the people of the whole State.

By Mr. BRAIN:

Question. At what election?

Answer. In 1833.

By the CHAIRMAN:

Question. Do I understand you, then, as saying that in cases which come to your court arising out of the political organization, your belief is that justice cannot be administered through the medium of jury trial?

Answer. That is my decided opinion.

Question. From your experience as a judicial officer there, can you suggest to us any practical legislative remedy for this evil?

Answer. Well, sir, that raises numerous constitutional questions, many of which I have not examined. I did say, and I say now, that two years ago, or even one year ago, if we had had a competent government, competent legislature, and competent executive, it could have been suppressed by the State authorities, by the State courts, and that its final triumph in 1836, in a great measure, to the incapacity of those who have been intrusted with the administration of our governmental affairs in the State.

Question. Do you speak of the inefficient administration of the civil code itself, or the failure of legislation?

Answer. I speak in the first place of the failure of the legislature to afford the necessary remedies in criminal prosecution, their partial failure to do that; and secondly, the utter failure of the executive to carry into effect such remedies as were given by the legislature.

Question. You mean by that the act which authorized the governor to use the military?

Answer. No, sir; I do not mean that. I mean the act of assembly which gave him authority to push the prosecution in the courts. For instance, there was an act of assembly which authorized the removal, at the instance of the State, of cases after a bill was found, from a county where a fair trial could not be had, to a forum, to be selected by the State. That was entirely constitutional. The legislature had a perfect right to do it. There were numerous bills of indictment found, with evidence sufficient in some counties, I am entirely satisfied, but there was an utter failure on the part of the governor to employ counsel and prosecute those cases by removing them to such forums as would have afforded a fair trial; in consequence of which no convictions were had.

Question. Was that duty imposed upon the governor or upon the district solicitor?

Answer. I do not remember that in so many words the governor was required to do it, but he was making pretense of putting down the Ku-Klux. He had a secret service fund at his disposal, was employing detectives all over the State, and in some instances employed counsel. The solicitors in the circuits did not make the motion, and the governor had nobody there to insist upon it.

Question. To which circuit do you refer?

Answer. I refer now to certain cases that occurred in the third judicial district.

Question. What judge presided?

Answer. Judge Clark. I think there are other cases of that sort in the State.

Question. Have the political parties of the State divided to such an extent upon the question of this organization and the outrages committed by them as to make it a party question?

Answer. I think so, decidedly.

Question. How has that division been characterized?

Answer. Well, sir, it has been characterized in this way: the republican party has uniformly denounced these outrages, while the democratic party, as indicated by the press, has, in my opinion, uniformly defended or attempted to justify them. I know of but two democratic papers in the State which have openly denounced them. Those two are the Salisbury paper, edited by Mr. Hanes, and the Charlotte Democrat, edited by Mr. Yates.

Question. Are you speaking of the depredations by the Ku-Klux?

Answer. Yes, sir.

Question. Do you know of any other secret political organization in the State, of either party, whose operations interfere with the security of person and property?

Answer. I do not. The only secret political organization on the other side, that has existed since the reconstruction, is what is known as the Union League. I am not a member of it, never had anything to do with it; but so far as my observation in the court-house and out of it goes, I have no reason to believe that any crime has ever been committed by the members of the organization, or that it has in any way encouraged lawlessness.

Question. To what extent does this state of affairs to which you have testified exist at this time in the State?

Answer. I think it is just as bad now as ever it was. While holding court, in December last, in Cumberland County, which is out of my circuit—I exchanged circuits with Judge Buxton—I had reliable information that a white man was taken out of town, within the vicinity of Fayetteville, in that county, and severely whipped and scourged; the reason given being that he had voted the radical ticket.

Question. Do you recollect his name?

Answer. Raiford.

Question. Was any judicial investigation instituted?

Answer. None whatever. Information was brought to me, at my rooms, that the man was in town, and I told the gentleman who brought it to tell him to come and see me. The statement was also made that he knew two of the men.

Question. Was this statement made by the man who was injured?

Answer. No, but by the party who came to see me. He said the man who was injured was in town. I asked the gentleman if the man could swear to any of the parties. The answer was that he could swear to two of them. I then told the gentleman to go and bring the man to my room that night, for the purpose of making an affidavit, so that I could issue a bench warrant. He did not come, but sent me word by the same party that he could not make an affidavit; that he feared he would be killed if he

did. I heard that night that he could not be found. If he had appeared before me at all, it would have been compulsory, and I could not compel him to make an affidavit.

Question. From your observations and travels through the State, in the exercise of your official functions, what is your belief as to the effect produced upon public security by these outrages that have been committed?

Answer. Well, sir, I think, in those counties where these outrages have taken place, and the public have seen that they have been done with impunity, there is an absolute reign of terror, and there is no sort of security to either life, liberty, or property in favor of any man against whom there is reasonable suspicion that he is a Union man and favorable to the Government.

Question. Were you present at any of the investigations that arose out of these outrages, when several of the judges sat together?

Answer. No, sir; I was not at one of them. I have read all that investigation, and these opinions I give performed very much upon that investigation, together with other facts and general observation.

By Mr. BLAIR:

Question. What are your political opinions?

Answer. I am a republican. I was born in North Carolina; was in the confederate army; was a large slaveholder; and am now a considerable tax-payer and property-holder, and entirely identified with the people and interests of the State of North Carolina.

Question. You live in Wilmington?

Answer. I do at this time.

Question. You do not profess to speak of these outrages of your own knowledge at all, only from general opinion?

Answer. No, sir; of course I have seen none of them committed.

Question. You say you are not a member of the Loyal League?

Answer. I am not.

Question. What is the purpose of that organization, so far as you know?

Answer. So far as I know, the purpose of it was to form an organization in the interest of the republican party. I have understood, in fact I have been told by one of the leaders of the league in the State, that there has been no attempt to organize it for more than twelve months past. There have been no meetings, that I am aware of, during that time. When it was first organized and was in progress, in the campaign of 1868, its meetings were well known. The negroes were assembled on my plantation and in that vicinity, going to the meetings.

Question. Was it an oath-bound organization?

Answer. I think so. The oath has been published often in North Carolina.

Question. All its oaths?

Answer. What professed to be all.

Question. What were they?

Answer. Simply to support the Constitution and laws of the United States, and, so far as I remember, something about voting for loyal men. That is about all I remember of it.

Question. Did you never hear of any threats or intimidations used by this organization against negroes and others who chose not to support the republican ticket?

Answer. Well, I have heard charges of this sort in democratic newspapers very often; and let me say just there that I have heard of two instances that have occurred in Southern North Carolina, where I live, where negroes had been assaulted on the ground that they voted the democratic ticket.

Question. Assaulted by other negroes?

Answer. By other negroes; and that in both these instances the negroes who did it were indicted, tried, convicted, and punished.

Question. When was this Loyal League established in North Carolina?

Answer. I think it was in the latter part of 1867, when the reconstruction measures were first put in force.

Question. By whom were the leagues established?

Answer. My impression was that they were established by the leading negroes and perhaps by the leading active local politicians in the interest of the republican party.

Question. Were they not established invariably by northern men who had gone down there?

Answer. I do not know that they were.

Question. Is it not your belief that the order was introduced there by northern men who went down into that country after the war?

Answer. Well, my belief is that the order was introduced there not exclusively, as far as my observation has gone, by natives, but that native whites have been as active in the league as what are known as carpet-baggers.

Question. Do you not know that the Union League existed in the North and was taken down there by what are known as carpet-baggers?

Answer. I have no doubt about its antecedent existence in the North, and I think it is very reasonable to suppose that many of the men were very active in introducing it there. Whether they were originally active or not I could not swear. I should take it as nothing but reasonable, however, that those who were originally active in effecting reconstruction introduced it, and my recollection is that the first republican reconstruction convention—I mean the first party convention in the interest of reconstruction—asssembled in the State was composed almost entirely of native white and colored people. I do not think the carpet-baggers had taken hold of political affairs then.

Question. Did the establishment of this Loyal League precede the establishment of what is known as the Ku-Klux and other organizations?

Answer. Well, the Loyal League was known in North Carolina before there was any public attention directed to what is now called the Ku-Klux Klan; but the introduction of the Loyal League in North Carolina was contemporaneous with the organization of the republican party in the State, which took place in 1867. By that time there had been numbers of outrages committed in the State by persons who called themselves regulators, and whose principal purpose seemed to be to break up the negroes, prevent them from owning or renting lands, or owning horses or other property, and whose depredations were confined entirely to negroes. I heard of no instance of outraging white Union men. Those depredations were committed very extensively, and many of them in the immediate vicinity of one of my plantations. The negroes' mules were taken and carried off, so that no negro would undertake to own a mule or a horse or a piece of land, and a great many of them will not now.

Question. You say you were in the confederate army?

Answer. Yes, sir.

Question. Originally a secessionist?

Answer. Well, sir, I entered the confederate army when I was fifteen or sixteen years old. I was not a secessionist; I do not think I had any political opinion of any sort very decided. I am only twenty-five now. I went in about 1862, and staid there a year or two. My education and all my instincts were against secession. My family were opposed to secession.

Question. Did you know whether the officers of the Freedmen's Bureau had anything to do with the establishment of this Loyal League?

Answer. I have no sort of knowledge that they did. There may have been individual cases of persons who belonged to it and who were active. I remember of no instance of that sort at this moment, and I do not believe as a general proposition that it was introduced by the Freedmen's Bureau.

Question. You say you have heard the charge made by democratic newspapers, and I suppose by democrats generally, that this Union League was established for the purpose of intimidating and threatening the negroes and preventing them from voting the democratic ticket?

Answer. Yes, sir, I said democratic newspapers, because really that is about the only source from which I have ever got any such information. I do not know that I have ever heard it from a public speaker or ever heard the charge made in private conversation.

Question. Your information, I presume, about the Ku-Klux and the outrages on which you place so much reliance, comes generally from the other side. does it not?

Answer. So far as the newspapers are concerned of course it does, because, as I have already said, the newspapers on the other side defend it, with but few exceptions, so far as I know. But as to the information of the existence of the organization and the crimes, I say that I do not believe that any man in North Carolina, who has observed the course of events in that State, and who has taken the trouble to familiarize himself with the condition of politics and society in the State, denies it for one moment.

Question. Do you know what is the public debt of the State?

Answer. Very large, brought about by very reckless and corrupt legislation in my opinion.

Question. About how much is it?

Answer. I suppose about \$33,000,000 or \$34,000,000.

Question. What was it before the war?

Answer. About \$15,000,000 or \$16,000,000.

Question. That is what is called the "ante-war debt" with the interest accumulated?

Answer. Yes, sir.

Question. How do you say this addition was brought about?

Answer. I think by the corrupt and reckless legislation in 1868 and 1869.

Question. Was that the legislature elected under the reconstruction act?

Answer. Yes, sir, and by the republican party.

Question. Has the State received any benefit at all from the additional debt?

Answer. Very little indeed; it was increased \$14,000,000 or \$15,000,000, and the bonds were put in the hands of swindlers who, in my opinion, have swindled the State.

Question. Who were these men; where did they come from?

Answer. Some of them were natives and some of them were known as carpet-baggers. Of the three principal persons two were natives and one was a carpet-bagger.

Question. What were their names?

Answer. Mr. Jones, Mr. Swenson, and General Littlefield. Of course I am speaking very freely and giving my opinion, founded, I hope, upon sufficient reason.

Question. Is that the public opinion of the State?

Answer. I think it is of all parties now.

Question. Is the governor supposed to be implicated in the corruption?

Answer. Well, there is a very general public impression to that effect. My own impression, if you want to know it, is this: I have no reason to believe that he is actually guilty of criminal complicity in these frauds, but that much of it, however, is due to his imbecility and incapacity.

Question. Was not a great deal of the excitement at the last election due to the fact of this corrupt legislation and swindling of the State government?

Answer. So far as the excitement was concerned I do not think it was. There was some feeling about that, and there is much in the political revolution that took place at that time due to that.

Question. There was a great deal of feeling against the State government, was there not?

Answer. Considerable feeling, but I do not think any lawlessness grew out of it.

Question. I did not allude to that.

Answer. I think you said excitement, and I thought you had some reference to that. There was some feeling.

Question. And it led, you think, in a great measure, to the defeat of the radical or republican party in the State?

Answer. I think it led in a great measure to the defeat of the party; nevertheless, there are many localities in which I have no idea there could have been a free election, so far as that party was concerned, even if there had been no excitement growing out of those frauds.

Question. Do you believe the destruction of property which has taken place there by lawlessness and violence would amount in the aggregate to anything like the immense sums that have been squandered by the State government?

Answer. Of course there has been no very great destruction of property, because the men who have been outraged are generally men without property. I have heard of some instances of white Unionists having their property destroyed.

Question. The largest destruction of property was of that owned by conservatives?

Answer. Yes, sir.

Question. The burning of barns?

Answer. I have heard of some instances of burning of barns.

Question. By whom?

Answer. Alleged to have been done by negroes most generally. Those instances have grown, in my opinion, out of retaliation on the part of those negroes for outrages committed on them.

Question. Was it not alleged that many of these things that you call outrages were committed in retaliation for the destruction of property?

Answer. I have heard it alleged, but I do not believe there is any foundation for it whatever, unless it may be in the county of Orange.

Question. Is it not alleged that the negroes in many instances insulted or committed outrages upon white women in the State?

Answer. I know of not many instances. The instances have been very rare, as far as my observation has gone. So far as I have any reason to believe, and invariably so far as I know, they have been followed by punishment.

Question. In Robeson County you say there is lawlessness—there is a gang there composed, you say, of mulattoes?

Answer. They are composed of persons of Indian, negro, and perhaps white blood. I do not know but the Indian blood predominates. They are called in that country mulattoes.

Question. You assert that their chief rendezvous is Skuffletown?

Answer. It is a country thickly inhabited, eight or ten miles square, called Skuffletown.

Question. Inhabited principally by negroes?

Answer. By those persons known as mulattoes.

Question. All of them supposed to sympathize with those outlaws?

Answer. No, sir; I do not think all of them do, though I have no more doubt about their having a large number of sympathizers in that community than I have that these Ku-Klux marauders and assassins have sympathizers among what are termed respectable citizens, who have heretofore been considered respectable men and now are considered respectable men in those regions.

Question. You do not attribute any political significance to that?

Answer. None whatever; I have no hesitation in saying that there is nothing political

about it. They depredate even upon negroes. They will rob a negro as quickly as they will a white man, and have done it.

Question. You have heard from other parts of the State that the negroes frequently disguise themselves and depredate upon negroes?

Answer. No, sir, I have not.

Question. No cases of that kind?

Answer. The only case, outside of the two instances which I have already mentioned that occurred in my district, was one in Alamance County.

Question. Do you not know there are now four negroes in prison for that offense?

Answer. That is the very instance I am referring to in Alamance County.

By the CHAIRMAN:

Question. You have stated two instances in your own circuit, and one in Alamance County, where negroes have been tried and convicted for outrages upon other negroes; do you know of any instances in the State in which members of the Ku-Klux organization have been tried and convicted for outrages committed by them?

Answer. I have already said I have never heard of a single instance in all North Carolina.

Question. What is your belief as to the security of the colored people as a class in that State in consequence of the existence of that organization?

Answer. I think they are to be classed with the white Unionists. I think there is no sort of security in those counties where that organization has been introduced and has fully developed itself.

Question. Are you satisfied that the organization exists in military form, so that it could be assembled for coöperation—throughout the State, for instance?

Answer. Well, sir, I do not think they have ever contemplated that—that they have ever gone that far. I think that at present they are only prepared to meet in secret conclave to decree the death of obnoxious persons, whether white or black, and cause them to be executed, and I am satisfied it has been done in numerous instances.

Question. You mean to say they have not got that far in purpose?

Answer. No, sir. Not so much in purpose; because I think their purpose goes much further than even that question contemplates. I mean they have not got that far in organization, in development.

Question. Have you any idea of the number of the organization existing in the State?

Answer. Well, I presume that the statement of some of their members, some respectable persons connected with them at one time, is about correct, that there is about 30,000 or 40,000 in the State.

Question. You spoke of the effect in several counties of intimidation on elections; do you know that to have been the case, from your intercourse with the people there—that intimidation was used, or that it is now apprehended in case an election is held?

Answer. O, yes, sir. I know it is apprehended, reasonably apprehended, in many counties. It depends much upon the locality, but then they embrace a large number of counties, in my own opinion half of the State.

Question. Has that apprehension the effect of deterring persons from attending the elections?

Answer. I think so, in some instances; in others it has the effect of causing them to vote against their sentiments and purpose.

Question. What counties would you indicate in which that state of affairs exists?

Answer. I believe it exists to some extent in Orange, Alamance, Caswell, Chatham, Sampson, Harnet, Person, Rockingham, Anson, Duplin, Cumberland, and Moore. I might mention others; these are some of the counties.

Question. From what you have said, is it your belief that a concentration of opinion on the part of the conservative press and leaders of that party in open denunciation of these outrages would prevent them?

Answer. O, yes, sir, I think so, if that could be brought about. If their leading politicians and presses would unite in a *bona fide* attempt to put it down, I believe it would be done, because I believe it is entirely political, and entirely in the interest of that party.

Question. I understand from the tenor of your examination that you are decided in your condemnation of the inefficiency of Governor Holden?

Answer. I am; I have frequently said that I think he is responsible. I could have drawn an act of assembly that could have been passed one or two years ago, when he had a two-thirds vote at his call, which would have suppressed it, provided we had had an honest man as executive; and that, too, without infringing the constitutional rights of any man in the State. I think any lawyer who would take the trouble to think about it would have done the same thing.

By Mr. BLAIR:

Question. Could it not be done now?

Answer. I think it could if these conditions could be performed.

Question. Could it not be done by suppressing all these secret societies?

Answer. I think not.

Question. Those that give the pretext as well as those charged with committing these outrages?

Answer. I do not think the suppression of secret societies would have any such effect. In the first place I doubt very much if it is practicable to do it; and in the next place, I have no idea that it would afford any security to those persons who are now insecure.

Question. You have spoken of an occurrence in Fayetteville—a man by the name of Ralford, who was beaten or injured; you did not speak of your own knowledge at all?

Answer. No, sir; I have no doubt about the fact; it is merely upon information; I did not see the man at all.

Question. You only heard of it from another person, who failed to produce the man when you sent for him?

Answer. Yes, sir; but that person was entirely reliable.

Question. Who was not?

Answer. Mr. Riley, formerly sheriff of the county, a truthful man and entirely reliable. Mr. Blocker and Mr. Guthrie, a member of the bar, also told me about it.

Question. Did anybody attempt to interfere with the holding of your court in Fayetteville?

Answer. Not at all.

Question. In any other county?

Answer. Not at all, nor has there ever been such an attempt in North Carolina, and I do not suppose there ever will be from the present condition of things. I have heard of no instance of resistance to process—that is to say, openly. The operations are carried on altogether on a different programme.

Question. Secret?

Answer. Secret; usurping juries and grand juries, and controlling the remedies and administration of justice by that means. It is not necessary for a man to resist a process that carries him before a magistrate who will be certain to discharge him, or before a court that will be certain to acquit him.

Question. The court, as I understand, over which you preside, is generally presided over by republicans?

Answer. Yes; but issues of fact are generally submitted to the juries.

Question. The juries are summoned by the sheriffs?

Answer. They are summoned indiscriminately there by law. As a general rule, of course, negroes are not competent to sit on juries, and their names are not put on the list—ought not to be in many instances—and Union whites, in those counties where difficulties occur, are largely in the minority.

Question. You say negroes are incompetent to sit on a jury?

Answer. A very large number of them are.

Question. You do not mean incompetent by law?

Answer. O no, I do not mean that there is any distinction on account of color made by law; but a very large proportion of the negroes have not sufficient intelligence and character to make good jurors; and so, I say, there are a considerable number of whites—of course a larger proportion of negroes than whites. Under our act of assembly the board of county commissioners are the sole judges. They are compelled to revise the jury list, and all that are deemed incompetent are stricken out.

Question. How are those commissioners appointed?

Answer. Elected by the people.

Question. What is the county in which Fayetteville is situated?

Answer. Cumberland.

Question. Is that county republican or democratic?

Answer. Democratic.

Question. In what part of the State did you live previously to your residing in Wilmington?

Answer. I was born in Brunswick County, just over the river from Wilmington, on the south side of Cape Fear River.

Question. You have always lived in that region of the country?

Answer. Always, myself and family. I own property in all three counties, Brunswick, New Hanover, and Onslow.

WASHINGTON, D. C., February 14, 1871.

GEORGE W. LOGAN sworn and examined.

By the CHAIRMAN:

Question. In what part of North Carolina do you live?

Answer. In Rutherfordton, Rutherford County.

Question. How long have you lived in the State?

Answer. I was born in the county in which I live.

Question. What public positions have you occupied ?

Answer. I have been in military and civil life. I was first captain of the militia and afterwards a brigadier general. I was clerk and master in equity ; clerk of the county court for about nine years. I was a member of the convention of 1865, a member of the legislature of 1866-'67, and was a member of the confederate congress during its last two sessions.

Question. Are you now a judge on the bench ?

Answer. Yes; of the ninth judicial district.

Question. Give us the names of the counties that your district embraces.

Answer. Polk, Rutherford, Cleveland, Lincoln, Gaston, Mecklenburg, and Cabarras.

Question. Please go on and state as connectedly as you can the state of security of person and property in that district.

Answer. In the county of Polk I do not recollect of any outrages or difficulties occurring ; the law, I think, is executed there generally ; in other words, offenders are apprehended and punished, as a general rule. In the county of Rutherford there has been no resistance to the execution of the law ; when a precept has been issued the officers of the law have been able to execute it. There have been a few disturbances in the county by what is generally known as the Ku-Klux. The first persons I had arrested myself, an investigation was had before me, and I bound them over to court ; a bill was sent before the grand jury, and a true bill was found. The trial has not taken place ; it was postponed in the regular proceedings of court. It was understood from the evidence that the men accused had been out on two occasions. They went to the houses of various persons, whipped a negro woman severely ; also whipped a white man and a negro man. This is from the evidence that was adduced before me, upon which I bound them over. Since that time, in the county of Rutherford, about three weeks ago, a white woman was whipped. The information that I had about 't was that it was done by men disguised. In the county of Rutherford, my opinion is that a fair trial could be had ; that is, if the evidence were sufficient to convict any one of any offense. These are the only instances that happened in the county of Rutherford.

Question. Were the outrages inflicted by persons in disguise ?

Answer. Yes, sir ; all of them. The persons that I had arrested appeared before me, and the proof was that they were disguised.

By Mr. BLAIR :

Question. What did they whip these people for ; on what pretense ?

Answer. Well, the pretense for the whipping of the negro woman was that she had talked saucily to a white woman ; the pretense for whipping the negro man was that he had made a contract with a white man and had not paid him what he owed him ; the pretense for whipping the white man was that he had heard some tales about the Ku-Klux and told them.

By the CHAIRMAN :

Question. Go on with the rest of your statement.

Answer. In the county of Cleveland I have not taken any minutes of any such occurrences ; but there have been a number committed in that county during the last twelve or eighteen months. The last one was about three weeks ago.

Question. What has been the character of those occurrences ?

Answer. The character is from whipping to killing, or murder.

Question. Have any of those cases been investigated ?

Answer. No, sir ; there have been attempts made to investigate them, but it can't be done.

Question. For what reason ?

Answer. The reason is, the fear that if a person reveals what he knows about them, or if any person tries them, he is in danger of his life. I have conversed with different persons—indeed, they have come to me for advice, to know what to do—and they have universally told me that they were afraid to say anything, lest they might receive violence, perhaps, as soon as it was found out that they had told what they know, or what had happened.

Question. Do you believe that to be the state of feeling existing in that county ?

Answer. No doubt of it. I have conversed with respectable men—men of high character. I left home last Monday week ; I saw different men on the road, as respectable as any in the State of North Carolina—men who had heretofore been bold and fearless about telling to any one what they believed to be the case, but who have now become fearful, and have stopped talking. As to Cleveland County, they do not resist arrest. The sheriff can arrest when processes are issued ; but as to making any fair, *bona fide*, investigation of what really was the case, it cannot be done. Persons have stated to me and to the solicitor, so I have been informed by him, that those offenses have been committed, and the persons positively identified, but there is no such thing as finding a true bill against them. That is the case in the county of Gaston also. There have been efforts made more than once to get bills of indictment found in the counties of

Cleveland and Gaston, but they have failed. In the county of Cleveland they are represented to be disguised persons, considerable in number. The voting population there is something like 2,000 or 2,200. I have frequently heard it remarked that there were from 800 to 1,000 of those parties calling themselves Ku-Klux. It is notorious in that county that they disguise themselves and ride about to people's houses, inviting them out to see the Ku-Klux, in companies of from 25 to 200 or 300. I have that from ladies and gentlemen of respectability. In Shelby, the county seat, on one occasion, I have been informed by respectable men that they saw in the street at one time from 200 to 300 disguised persons. In the county of Cleveland there was a man whipped, of very respectable character, a man of business, and at one time a man of wealth, by the name of Oates. I have talked with the solicitor, Mr. Bynum, about that case particularly. I asked him why Oates did not do something about it. He told me that Oates said he knew some of the members, but was afraid to tell. In Lincoln County there have been various offenses committed of the same nature and by the same class of persons. In Gaston County, also, a great many have been committed. But few, I think, have been committed in Mecklenburg and Cabarras Counties.

Question. Does that complete what you wish to say in a general way about your district?

Answer. I believe so. I have no idea that in the counties of Cleveland and Gaston any such thing as a fair trial could be had; I have some doubt about Lincoln County. Nor have I any idea that persons who are guilty could, under any investigation, be found guilty. One reason is the fear of persons telling of them; and another is, I am fully satisfied, that men swear in their favor and try to prove an alibi.

Question. In any county where the organization exists to any extent, is it your belief that the presence of any members of the organization on the jury would prevent a conviction?

Answer. No doubt of it; on the grand jury they would prevent the finding of bills.

Question. As a presiding judge, is it your belief that where a case involves the political feeling which arises out of this organization, justice can be securely and safely administered, as a general rule, in the counties where these organizations exist?

Answer. It cannot.

Question. Are there any other organizations of any other character existing in that district, or in the State, within your knowledge, which, either in their purposes or operations, interfere with the security of person and property, or with the administration of justice?

Answer. None that I know of or have ever heard of.

Question. In those regions where these organizations exist are men free, in your belief, to speak of its operations, and to speak their political opinions in opposition to the organizations?

Answer. No, sir. As I remarked in the outset, as I came from home, I saw several respectable gentlemen, and talked with them, who had been bold and rather fearless heretofore, but they had now become alarmed and would not talk. It is getting worse.

Question. Do you refer to their talking about the organization itself, or to the expression of their political views?

Answer. Both; in talking about the organization and the course that its members pursue; in speaking of any one belonging to the Ku-Klux organization, for instance, and of their going out and whipping people, or passing censure on any one connected with any such order.

Question. Have the operations of the organization in your district, and the comments that have been made upon them, assumed a partisan aspect?

Answer. Oh, yes, it has always been partisan.

Question. In what form does it manifest itself?

Answer. Well, sir, the republicans among us are the persons imposed upon by what we term conservatism.

Question. As a rule, are the persons who have been whipped or killed members of that party?

Answer. I do not know of any instance of whipping or murder but what the victim has been a republican.

Question. What is the tone of the press and of the leading men in the respective political parties with reference to these outrages?

Answer. As I understand it, the republicans are opposed to them, while the conservatives say but very little about them, or very often say, "Well, if such a one is whipped, he deserved it;" they rather sympathize with the outrage. A few of the conservatives I have heard say it is wrong.

Question. The purpose of our inquiry is to elicit the true state of things as they bear on the security of persons and property in the State, and any information you have bearing on that question, either in your district or State at large, you may give to us.

Answer. I do not know what more I could say on this subject. I am satisfied in my own mind that in these counties I have mentioned person and property are not safe, and

justice cannot be administered. I have been, I think, a close observer of all these things since the commencement of the war, at least so far as I was able to be.

By Mr. BLAIR:

Question. Are you a republican?

Answer. Yes, sir.

Question. Do you say you were in the confederate congress?

Answer. I was.

Question. Are your disabilities removed?

Answer. Yes, sir.

Question. Did you serve during the war in the army?

Answer. No, sir.

Question. On either side?

Answer. No, sir.

Question. Do you know anything of an organization in your State called the Loyal League?

Answer. I think I do.

Question. Are you a member of it?

Answer. No, sir; I was once.

Question. When was it first organized?

Answer. I do not know.

Question. When was it first organized in the State?

Answer. I do not know when it was first organized in the State.

Question. Was it soon after the close of the war?

Answer. I do not know when it started.

Question. When did you join it?

Answer. In 1837 or 1833; I do not recollect the date exactly.

Question. Had it existed previously for any length of time?

Answer. I do not know.

Question. What was the object of it?

Answer. As I understood, the object was to preserve the Government of the United States and the Union.

Question. Was it a political organization as far as the division of parties in your State was concerned?

Answer. I understood it to be political for that purpose. Those who joined it did it for the purpose of saving the Union.

Question. Was not the Union pretty nearly saved before the Loyal League was formed?

Answer. Well, I had my opinion about that, and I have it now. I have always been a Union man. I thought there were men who tried to destroy it in 1860, and I think so now.

Question. Did you do anything to help preserve it in 1860?

Answer. I did all I could.

Question. What was it; going to the confederate congress?

Answer. No, sir. In the confederate congress I did what I could to compromise, make peace, and restore the Union, and every vote taken on that subject I gave in that direction.

Question. Was it not understood that this Union League was an organization in the interest of the republican party?

Answer. I understood it to be a political organization with a view to the restoration of all the States of the Union, and to preserve the Union, and to try to get everybody entertaining those principles into it.

Question. You did not answer my question. My question was whether this league was understood to be in the interest of the republican party?

Answer. My impression is that it was; that the Union League men, as we term them, were republicans.

Question. Did you ever hear of any instance in which this organization exerted its power or authority to intimidate negroes and prevent them from voting the democratic ticket?

Answer. No, sir; not in my county.

Question. Or in any other part of the State?

Answer. No, sir.

Question. Do you not know that the Ku-Klux organization, as it is called, was formed subsequently to the Union League?

Answer. I do not know when either of them was formed. I do not know anything about the origin of either.

Question. Do you not know it professes to be an organization to antagonize the political or partisan organization known as the Union League?

Answer. I know that that was said by conservatives to be the purpose of the Ku-Klux organization--antagonistic to the Union League.

Question. In that way it was formed subsequently, was it not, if it was formed for that purpose?

Answer. I do not know whether that tells the time when it was organized. That is what I understand now what was said to be the case by those men. They say it was formed antagonistically to the league.

Question. The league, I understand, is a secret oath-bound society?

Answer. Well, we did not always have secrecy with us. I suppose it was in some places.

Question. Did they not take an oath upon joining it?

Answer. I think they did.

Question. Was not that oath to keep secret certain portions of its transactions?

Answer. Yes, sir.

Question. What was the principal issue between the two parties in the last election in North Carolina?

Answer. There were different issues in different parts of the State.

Question. Was there any issue made on the vast increase of indebtedness which had been placed on the State since the war?

Answer. Well, sir, the main issues were two. One was opposition to the constitution of the State of North Carolina as it now stands.

Question. What features of the constitution?

Answer. Well, sir, one candidate would take one ground and another another, covering almost the whole.

Question. Was there not a great deal of political excitement in the State at the last election in reference to the enormous public debt?

Answer. I was going on to state that that was not really an issue, because the management and control of the appropriations made by the State of North Carolina to the railroads two years ago was exposed by both parties, not entirely by the republican, but by a large number of the republican party, as well as by the conservatives. There were frauds alleged to have been committed by certain men appointed to hold these funds. A large portion, and I think a majority, of the republican party commenced exposing them at first, at least as soon as any one did. The conservative party, I think, as a whole, made that one of the main points in the campaign. Most of the western part of the State did the same thing, and a portion of the southeastern. In the central portion of North Carolina the republicans did not have so much to do with it.

Question. They rather defended it and sustained the administration, did they not?

Answer. I do not know about that; but I know that, in the southwestern portion, from the Cape Fear region to the Cherokee region, the republicans were ventilating these frauds as much as they could, so that that could not really be said to be a party issue. My opinion is, that the majority of the republicans were trying to expose them.

Question. Did they not sustain the men generally who had committed these frauds?

Answer. No, sir.

Question. Did they not sustain Governor Holden?

Answer. No, sir; they were open, bold, and outspoken against him for the last twelve months. I mean all along that line.

Question. Was it the belief that he was in complicity with these men or persons who perpetrated the frauds?

Answer. Well, I have not heard much about that; I cannot state any general opinion.

Question. Could they have been committed without his connivance?

Answer. I do not know.

Question. What was the amount of the indebtedness that was placed on the State by means of these advances to the different railroads?

Answer. I can only approximate to the amount. There was some \$12,000,000 or \$14,000,000 appropriated; that is called the now debt.

Question. Was the whole or greater part of it squandered?

Answer. I do not know how much has been squandered.

Question. Has the State derived any benefit from it at all?

Answer. Well, very little that I know of.

Question. State whether in your opinion all the outrages against property that have occurred in North Carolina put together have destroyed an amount of property equal in the aggregate to that which has been taken from the people of the State by the action of the legislature and governor, in squandering these great appropriations which have been made to the railroads?

Answer. Well, sir, I do not know that I can form anything like a correct opinion about that.

Question. What amount of property in value do you suppose has been destroyed in your own judicial district by these outrages?

Answer. The amount I think has not been very large.

Question. Have you not heard that the negroes have been in the habit of burning the barns of white people, and destroying their property in North Carolina?

Answer. I have heard that said.

Question. It is not your belief that they have done so?

Answer. I think there have been instances of the kind. That is my opinion from information.

Question. I do not understand you to say that you know anything of your own personal knowledge as to the outrages of which you speak in Cleveland and Gaston counties?

Answer. Personally I do not. That is, I never have seen any.

Question. It is only from hearsay?

Answer. It is from information which I stated was given by respectable persons, and from examinations that were made before myself.

Question. That was confined, I believe, to Rutherford County?

Answer. Yes, sir.

Question. There is no pretense, at least I gathered so from your answer to my question at the time, that there was anything political in the outrages you allege to have been committed in your own county?

Answer. Yes, sir; it was said to be political—that these persons were whipped on account of their political principles.

Question. I think you said they were whipped, in answer to my question, for other reasons?

Answer. You asked me what was said by the defendants; what was the excuse made by them; but on the evidence on the side of the prosecution it was for political opinion.

By the CHAIRMAN:

Question. Were these persons upon whom these outrages were inflicted, persons generally in poor or moderate circumstances?

Answer. Yes, sir.

Question. Would the amount of property destroyed then give any adequate idea of the number of outrages that had been perpetrated?

Answer. No, sir.

Question. Whatever feeling was elicited by the financial embarrassment of the State consequent upon the legislation, did it lead to any disturbances affecting persons and property in the State?

Answer. No, sir; that seemed to be, like other political questions, a matter of difference of opinion among them. I wish to say, in reference to masks or disguises, that, though I have not seen any in my own district, I did see one in Raleigh before I left.

WASHINGTON, D. C., February 15, 1871.

GEORGE LAWS sworn and examined.

By the CHAIRMAN:

Question. In what part of the State of North Carolina do you live?

Answer. In Hillsboro, Orange County.

Question. How long have you lived there?

Answer. I was born in that county, and I have been living in the town of Hillsboro now about fifty-seven years.

Question. What is your occupation?

Answer. I am clerk of the superior court of that district, and judge of probate.

Question. Have you ever filled any other official positions?

Answer. I have been clerk of the county court, and also deputy sheriff. I have been in office about forty-two years; and for the last eighteen years, come next August, I have been clerk of one court or the other.

Question. What opportunities have you had for knowing the state of security of person and property in the county of Orange for the last few years? Give us your means of knowledge, and what is the condition of things existing there.

Answer. I think I can state it. There was a great deal of confusion there at the time of the surrender in 1865. The colored population, as they are termed, were thrown upon us, and they were not disposed to work at that time. The consequence was that they had no way of making a living, and had to resort to theft. There was a great deal of trouble in that way. We had no courts open, and the magistrates of the county, who were appointed by the provisional governor, drew up a petition, and I was the bearer of it myself to Governor Holden, to give us a jury court twice a year, but he refused to grant us the petition. The negroes got up what we called leagues in our county. I know nothing about them myself. They were societies. I do not know whether they were secret or not. They were known as leagues. I do not suppose there was much secrecy about them. There was a great deal of depredation committed through the country, and there was no law to protect the citizens. Then it is reported (I know nothing of it except from report, and I am glad I know nothing about it) that another organization, known as the Ku-Klux, was got up to operate against the league societies. Some people deny their being Ku-Klux, but I think that

where there was so much smoke there must have been some fire. There is none in existence there now, and I do not think there has been any for the last eighteen months. Things got better after a while. The reason why I can speak positively about an organization of that kind is that in August, 1865, a company came to our town, forced open the jail, and took out two negroes. One of them got shot some way--accidentally, as I learned--and he died twelve or fourteen days afterward. The other negro was tried regularly, and cleared. The transaction that it grew out of was this: A man by the name of Jones had a freedman, a colored man, living on his land. He could not get clear of him, and he resorted to the law, got out his process, and put it in the hands of an officer. He got what we call there a writ of possession, turned the man out, and put his things in the road. There were William M. Jones, James F. Minor, the officer, and Jesse W. Morrow, who was summoned to go with the officer and assist him. The evidence came out in my court (that is the way I got hold of it) that this colored man, Jeff Morrow, was determined to have satisfaction, but intended to delay it until after harvest. After these three men had got their wheat all cut and housed in their barns they were all set on fire and in a light blaze at one time; you could stand and see them all burning at once.

By Mr. BAYARD:

Question. The barns of the three men who had executed the lawful process of the court?

Answer. Yes, sir.

Question. Their barns were set on fire after they had executed the process?

Answer. Yes, sir; and this company or organization, whatever it was, arrested the two negroes, who were taken out of the jail, and some others, who were hung. It leaked out just before the boy was tried. It was in Orange, just on the line where Chatham, Orange, and Alamance join.

By the CHAIRMAN:

Question. Were those negroes who were taken out of the jail suspected of being the parties who burned the barns?

Answer. Yes, sir. I understand there was a paper pinned on the backs of those that were hung, alleging that they were hung for burning these barns. The other boy was tried and acquitted. Another negro was hung in Orange County, in a northwest direction from Hillsboro. The allegation for that was that he was a great terror to white ladies and impudent to them. And he was taken out of a house from with one. Another was hung about eleven miles from Hillsboro, for making a bad proposition to a very respectable young lady. He was too near a house to accomplish his purpose at that time; but he told her that she might make up her mind that he intended to have it, and then he would leave. I suppose she told some of the young men there, and they were aroused and hung him. I believe those are all the depredations or crimes committed in my county. There was some little scourging through the neighborhood (but that was a neighborhood transaction) by the boys, and by some of the negroes, too. Some paupers of our poor-house, about five miles from town, were whipped. A colored woman was whipped. I saw her, and heard her give her evidence. She said she knew one of the men to be a colored man, but she did not know the others.

Question. Where negroes are arrested for offenses of this kind committed by them, is there any difficulty in having them convicted, upon proper trial and testimony, in the courts?

Answer. No, sir; I think none in the world. I think we have as fair-minded men there as there are in the world.

Question. What, then, is the justification for proceeding to punish them without law?

Answer. Well, sir, it was just hot-headed work. The outrages were so notorious that they thought they would put them down, I suppose. In fact, our laws will not punish by whipping or death anything except murder, I believe. As to the penitentiary, well, our governor pardoned some of them before they got inside the gate.

Question. Have you stated all the instances of outrages that you know of?

Answer. All of any importance that I know of. As to the organization, I do not think there is any about Hillsboro now. I never saw one in disguise. There were said to be some at Chapel Hill. They were arrested and carried before a magistrate.

Question. Were those persons in disguise who inflicted these injuries you have spoken of?

Answer. I understood they were; I suppose so; I do not know.

Question. You have spoken of your belief of the existence of the Ku-Klux organization. Were these wrongs done by that organization?

Answer. That is only a supposition of mine.

Question. Do you believe so?

Answer. I think so; that is my notion.

Question. Have any of them been arrested and tried?

Answer. Three were arrested.

Question. What became of them?

Answer. They were discharged; that is what I was coming to just now. A justice of the peace by the name of Watts had three arrested at Chapel Hill. They went to Chapel Hill; did no mischief there; just rode through the town and scared the people there a little. Some of the citizens thought they knew some of them, and had them arrested. A United States officer was present at the time of the trial, and he was satisfied that there was no evidence to convict them at all.

Question. The witnesses failed to identify them?

Answer. Yes, sir. There was a murder which I have not spoken of; that was done by a negro, though. The murder was committed in Hillsboro, last Christmas night was a year. They murdered a white man by the name of Blalock. Three negroes were arrested for the murder; one by the name of Bob Gunn, one by the name of Tom Young, and one by the name of Henry Ludlow. Ludlow proved an alibi, and got clear; the other two were hung.

Question. That was a case of negroes murdering a white man.

Answer. Yes, sir. They could not complain, for there were seven negroes on the jury, and only five white men, when they were tried.

Question. Were the parties in disguise who committed that murder?

Answer. No, sir; I imagine not. It was in the dead of night; about one o'clock at night, when it was raining.

Question. You have given three instances in which negroes were hung in your county by white men in disguise; have any of the disguised men who committed those murders been arrested and tried?

Answer. No, sir; not that I know of. There was a great deal of excitement about it, but they did not know who to arrest. A great many good citizens there were desirous of ferreting it out.

Question. What is the political majority in Orange County, democratic or republican?

Answer. It is democratic.

By Mr. BAYARD:

Question. Was it so two years ago?

Answer. Two years ago it was about 400 democratic. At this last election I think the democratic majority was about 700.

By the CHAIRMAN:

Question. Were you elected by the democratic party to the office which you hold?

Answer. I was elected in 1868 by the votes of all parties. I beat my opponent by 1,500 votes.

Question. With what political party are you identified?

Answer. I am a conservative. They called me a Union man during the war.

Question. To which party do the county commissioners and the sheriff of Orange County belong?

Answer. The sheriff, up to 1868, was a republican.

Question. What is he now?

Answer. He is a republican now; but we have not the same sheriff now; we elected another sheriff.

Question. What is the present sheriff?

Answer. He is a conservative; just gone into the office.

Question. You say that many of the persons who committed the offenses of hanging the three negroes were arrested. You have stated your belief in the existence of the Ku-Klux organization. Is it your belief that the members of that organization protect and defend each other against charges for any of these crimes?

Answer. I have no idea in the world what their rules were.

Question. You have no opinion about it?

Answer. No, sir; I have not; I do not know.

Question. Have you read the testimony taken before the judges when these men were arrested in Orange and Alamance?

Answer. No, sir; I have not read it.

Question. As an officer of the court in Orange County, have you had communication with the people of the county on the subject of these outrages?

Answer. Yes, sir. I know every man in the county. They have talked with me frequently. I will state right here now, that so far as the execution of the law in Orange is concerned, I would risk my life that a five-year-old boy, if he had the process in his hand, could arrest any man in Orange County.

Question. There is no difficulty in making arrests?

Answer. None in the world.

Question. When a member of the Ku-Klux organization is charged with a crime, is there any difficulty in procuring evidence against him?

Answer. I think that is the great difficulty; you cannot get the evidence.

Question. When you get these cases into court do you find any difficulty from members of the organization being on the jury?

Answer. We do not get a bill.

Question. What is the reason?

Answer. I do not know.

Question. Have you any belief upon the question whether members of that organization do protect each other when charged with crimes?

Answer. I have not.

Question. Have you yourself denounced, or do you apologize for, the wrongs committed by this organization?

Answer. I make no apology for them; I denounce them openly.

Question. You have spoken of the organization of leagues after the war. Do you mean by that what is known as Union or Loyal Leagues?

Answer. I was rather taken back about that. I did not know until last week that there was more than one order of the Ku-Klux. I do not know anything of the different orders of the League, but yes.

Question. What were the different orders of the Ku-Klux called?

Answer. There were the Ku-Klux and the White Brotherhood; I never know anything but about the Ku-Klux before.

Question. I was inquiring about the organization you say was started after the war?

Answer. I think it was called the Union League.

Question. How soon after the war was that formed?

Answer. I think it was formed in the latter part of 1865, or in the summer of 1865.

Question. Have you any knowledge of that organization?

Answer. The only knowledge I had of them is that they had a tremendous meeting there, and I learned that was the purpose of it.

Question. Was that a public meeting?

Answer. It was a private meeting itself; but they made a public display, paraded the streets, and then went to their private meeting.

Question. Did they conceal the fact of their membership, or did they appear in procession as members of the organization?

Answer. Some of them had badges; I did not know what it meant.

Question. Did you see them walking in procession?

Answer. Yes, sir.

Question. There was no concealment about the fact that they belonged to the organization?

Answer. No concealment that I ever heard of.

Question. Did you ever know, or have you any information upon which you can rely, that that organization either directed or countenanced violence or violations of the law? or do you know it as an organization that apologized for acts of violence?

Answer. I never heard anything of the kind; I understood that it was a political organization; that they were to hang together and vote for their party. I understood that was the object of it.

Question. Have you not understood that the Ku-Klux organization was also a political organization?

Answer. No, sir; I do not think that is so. I have no right to say it is not so, for I do not know. I think it was purely a defensive movement, to counteract the depredations committed by the colored people early after the war. You have no idea of the amount of theft and depredation that was committed. Why, you could not keep a cow, or a sheep, or a chicken, or a smoke-house, safe.

Question. Do you think the organization, in counteracting what they alleged to be the wrongs committed by the colored people, have gone to the extent of committing the murders and assassinations of which you have spoken?

Answer. I have but one opinion about that, and I think I am correct in it too; I do not think there is such an organization now existing in my county. I have seen no signs of it, and have not heard anything of the kind for the last eighteen months.

Question. Now to recur to the time when you say the organization did exist, do you believe they carried out their purposes by means of these murders and hangings of which you have given us an account?

Answer. I think so.

Question. You think they did?

Answer. I think so.

Question. Which political party, if either, justified or apologized for these proceedings?

Answer. I do not think there was any. Public opinion ran pretty strong against it. The fact is the people were taught in that day that it was best for them to mind their own business; and there was not a great deal said about it in that day. But after a year or two they set their faces against it and frowned it down, and they have perfect quiet there now. I feel as safe there as I do this minute sitting in this room.

Question. You yourself feel safe there?

Answer. Yes, sir, and anybody else.

Question. That brings me back to the question from which we have departed. I

asked if, as clerk of the county, you have been in communication with the people of the county ?

Answer. Yes, sir ; daily so.

Question. During the time these persons were taken from the jail and outraged, and the three negroes were hanged in the county, of which you have spoken, do you wish to convey the impression that the colored people throughout the county felt secure in their persons and property, or were they in a state of alarm for their safety ?

Answer. I think they were alarmed. I was not at home at the time ; I spent a good part of the season at White Sulphur Springs ; I only know what I heard after I got home.

Question. You have a very extensive acquaintance in the county ?

Answer. I think I know every man in Orange County.

Question. Do you know any instance where a member of the democratic or conservative party was whipped or murdered by the Ku-Klux ?

Answer. No, sir ; not that I know of. I have referred to all the murders that have taken place in my county.

Question. Were all the instances of whipping and hanging, of which you have any knowledge, inflicted upon negroes, or those known as members of the republican party ?

Answer. I did hear of a Ku-Klux being whipped.

Question. By whom ?

Answer. I do not know. He was taken out at night.

Question. Was anybody arrested for it ?

Answer. No, sir.

Question. Did you hear why he was whipped ?

Answer. No, sir ; I do not know what it was for. About two weeks ago there was a little affair some five or six miles from Hillsboro ; but that was not the Ku-Klux. I know all about that, I reckon. There were four loose women, I think, who settled on a man's plantation down there, and they could not get them off. The boys in the neighborhood got to going there ; and I think, perhaps, it was the fathers of those boys who started a movement to break it up. Some parties went there in disguise, took the boys, and turned them up and paddled them and sent them home. I expect the fathers were in the crowd.

By Mr. BAYARD :

Question. What did they do with the women ?

Answer. They tore the top off the house ; I did not hear that they molested the women in any other way.

Question. They meant to break up that establishment ?

Answer. Yes, sir.

By the CHAIRMAN :

Question. Was that done by persons in disguise ?

Answer. I reckon it was, though I do not know.

Question. You have already stated that in cases where negroes have committed wrongs upon other persons, there was no difficulty in bringing them to justice before the civil tribunals ?

Answer. None in the world.

Question. Is there any difficulty in obtaining justice in civil tribunals in any cases arising in your county, except those that may be considered political ?

Answer. None in the world. The greatest complaint I have ever heard was that in almost every case where they resorted to law the negro got more than he ought to have. But that was not to my observation ; he did not get more than the law allowed him on the testimony.

Question. He got more what ? More severe punishment than he deserved ?

Answer. Yes, sir. There is no difficulty in a colored person getting justice in my county. In the last court one was arraigned there and a bill found against him for rape, but he was cleared.

Question. Has it been possible to arraign, or bring to trial, or to convict a single person in Orange County who was charged with committing these Ku-Klux outrages ?

Answer. I do not know of any except those I spoke of in the outset, who were brought before a justice of the peace of the name of Watts.

Question. You say they were discharged ?

Answer. There was no evidence against them.

Question. Has there been a single instance in Orange County, of all the cases you have given, in which the perpetrators have been brought to justice ?

Answer. Not one.

Question. Who is the presiding judge in that district ?

Answer. A. W. Tourgee.

Question. Do I understand you to say you are still clerk of the court there?

Answer. Yes, sir.

By Mr. BAYARD:

Question. You say you were born and raised in North Carolina?

Answer. Yes, sir, in Orange County.

Question. You know the people of that county intimately?

Answer. Oh, yes, sir.

Question. I understand you to say that after the close of the war the emancipated negroes were formed into leagues, and that they were idle and out of employment?

Answer. Yes, sir; they refused to work, and were thrown out of employment.

Question. Did that bring them into want?

Answer. Oh, yes, sir; there was a great deal of suffering.

Question. Did that want bring them into crime?

Answer. No doubt about it.

Question. Describe the condition of things produced by their refusing to work?

Answer. It was just common larceny—breaking into smoke-houses, stealing bacon, sheep, hogs, and sometimes a whole beef. We could only try them for larceny.

Question. Was there any safety in the county for such property during 1865 and 1866?

Answer. No, sir; none at all until this other organization sprung up.

Question. What is called the Ku-Klux?

Answer. Yes, sir.

Question. That was organized to prevent this class of offenses?

Answer. That is what I understood; and, I think, we have quiet there now, and have had for the last eighteen months.

Question. Is the feeling kindly between the white and black people of the country?

Answer. As far as I know it is; there is a large number about my town, and the feeling is kind to all.

Question. Do the colored people work pretty generally?

Answer. Some of them do, but some will not work.

Question. Are they paid fairly?

Answer. Yes, sir; where they work by the day they are paid fifty cents and found.

Question. I do not inquire about the amount, but are they paid satisfactorily?

Answer. Yes, sir.

Question. If a black man should have a claim against a white man for service or labor, would he find any difficulty in obtaining his full rights before a jury in your county?

Answer. None in the world.

Question. Are your juries mixed?

Answer. Yes, sir.

Question. Are blacks admitted to testify as well as whites?

Answer. Yes, sir, the same as white men, and their testimony has the same weight according to character and respectability; we have what we call respectable negroes and respectable white men.

Question. Can you say whether justice is fairly administered in your county between man and man without respect to color or previous condition?

Answer. Well, I know it is.

Question. You are clerk of the court, sitting in the court during trials, and have occasion to observe the process of justice there?

Answer. Yes, sir, and that is not all; the laws of our State give me a vast deal of business as judge of probate.

Question. That brings before you a great many people?

Answer. Yes, sir, daily, and I know they get justice before me.

Question. Do you know of any cases of oppression or attempted oppression by white men of their former servants?

Answer. No, sir; there are very few; I do not know of any.

Question. If such occurred would not the law and the juries of your county give them redress?

Answer. No doubt about it; but I do not think there is any labor of that kind in my county; none of the blacks that I have heard of work for their former masters; they have all deserted.

Question. Who organized the colored Union Leagues?

Answer. It was done by what we called carpet-baggers.

Question. Men who had lately come among you?

Answer. Yes, sir, came there in 1865, after the surrender.

Question. Did they organize those leagues?

Answer. That is what they say.

Question. Did they, by means of these leagues, elect themselves to office?

Answer. Well, I reckon some of them did, but I do not know only from report.

Question. Did they try to be elected?

Answer. Yes, sir; Mr. Dewees was elected member of Congress in my district in that way; that is the only case I know of.

Question. The only case of success?

Answer. Yes, sir.

Question. He is the man who sold the cadetship?

Answer. Yes, sir, the same man.

Question. Were these leagues understood to be oath-bound political societies?

Answer. I do not know that they were so, but that was the understanding; that they swore to stick together and vote together; I had a black man to work for me, and on the morning of the election I asked him if he was going down to vote; he said he was not, that he could not vote the way he wanted to and therefore should not vote at all; I never said any more to him.

Question. Was there intimidation by the members of this league of each other to prevent them from voting of their own free will?

Answer. I think there was at the polls; there are two or three conservative negroes living in my town who were a good deal abused about it, but they hung out and would not be governed by the league, and I think they have gained strength, for there are about twenty colored voters there now.

Question. That is, since the election of 1868?

Answer. Yes, sir.

Question. You spoke of convictions being had in the courts of colored men for such offenses as robbing and burning?

Answer. There has been none convicted for burning.

Question. Well, for toasting and breaking open houses—that class of offenses against property; and you then spoke of Governor Holden pardoning some of these men before they were actually committed to prison?

Answer. There was one of them I know he did.

Question. Was it the belief of the people of the country that Governor Holden would pardon in such cases if conviction could be had?

Answer. I think it was, and you may judge that from the fact that the legislature passed an act not to allow him to do that.

Question. Which legislature passed that act?

Answer. The legislature of 1868-'69; they prohibited pardoning in such cases, unless a petition was signed by the judge and jury.

Question. Was that because he had exercised the power?

Answer. No doubt that was the object.

Question. Did these pardons of Governor Holden conduce to a feeling of insecurity among the people as to their property?

Answer. Well, I do not know whether it did or not. I do not think it had that effect; but it had the effect, I think, to encourage crimes, theft, and larceny.

Question. When the people discovered that, although these men were convicted of these offenses in the courts, pardons followed the convictions so often, what was the effect produced?

Answer. Well, it was only a few outbursts of indignation and it passed off. To show you the decrease of crime in my county, there are on my docket but four cases of crime; in one case the party has been convicted twice, judgment set aside, and a new trial granted. The last time I was ordered to take his recognizance. I have never seen him since.

Question. What was the offense?

Answer. Stealing a pair of boots.

Question. Was it a black man?

Answer. Yes, sir. The others are for minor offenses—a woman for stealing clothes.

Question. Were your elections last summer quiet and orderly?

Answer. Yes, sir; looked more like going to a burying, as I jokingly remarked, than anything else.

Question. The black people voted freely their sentiments?

Answer. Oh, yes, sir.

Question. Did they exercise any intimidation upon each other?

Answer. Well, all I know is, they seemed to have a committee to guard the box and inspect the votes.

Question. Would it have been safe for any black man to vote contrary to the will of the majority of his race?

Answer. I do not know what the punishment might have been; he might have been turned out of the league; something of that sort.

Question. Would he have met a great deal of opposition from his own people?

Answer. He might; I cannot say about that. All I can say is, they were a unit.

Question. Have you any knowledge of their doings?

Answer. Only hearsay.

Question. Did you ever hear anything of Colonel Kirk's character?

Answer. Oh, yes, sir.

Question. What was his reputation?

Answer. It was anything but good; so I heard from his own country.

Question. Where did he come from?

Answer. East Tennessee.

Question. What was his repute?

Answer. That he was a man of notorious character. I do not know for what.

Question. Was it a matter of common knowledge in the country that any cruelties were perpetrated by him, or his subordinates, upon the prisoners they took?

Answer. Well, sir, in Caswell they arrested a gentleman by the name of Wiley, former sheriff, with whom I am well acquainted, and I understand that they struck him over the head with a stick or rail, and afterwards tied him on a horse and carried him to the court-house.

Question. Did you hear of their tying prisoners up to extort confessions from them?

Answer. That was in Alamance—Patton, Murray, and another man.

Question. Who did that?

Answer. Mr. Bergen, I suppose, Kirk's lieutenant.

Question. You have spoken of two men being taken from prison—one of whom was shot by accident, as you believe, and the other discharged and not injured.

Answer. Yes, sir; I was not at home at the time. I was informed that a large company of men in disguise came to Hillsboro, went to the sheriff's house, took his son out, carried him to the jail, opened the door and took these boys out, and carried them out of town. They believed the prisoners were concerned in barn-burning; but it seems they became satisfied from the confessions they made, and so they turned them loose. Then I understand some of the reckless ones behind shot off their pistols in sport, and one of the shots struck one of the prisoners in the thigh.

Question. I understood you to say that the man who was killed had been living upon property belonging to a gentleman?

Answer. His father had.

Question. And the owner had taken out a writ to dispossess him; that that writ was executed by the deputy sheriff in the presence of the plaintiff and some one whom he called in; that one of these men had been heard to say he would wait till harvest time before he would quit; and that after they had saved their crops and had housed them, these three barns were in a blaze at the same hour of the night?

Answer. Yes, sir; within the same ten minutes.

Question. Now, sir, was it understood in your county that that was the result not only of the act of this individual but of an organization of men who were disposed to do this thing?

Answer. I cannot say as to an organization; it was believed by everybody that it was done for revenge.

Question. Do you know whether the debt of your State has been very largely increased since Governor Holden's accession to power?

Answer. Yes, sir.

Question. Have you any idea how much?

Answer. I have not—though I know it is millions.

Question. How was it increased?

Answer. By taxation; a number of extra officers were created by the legislature; by the manner of conducting the financial affairs, and squandering the bonds issued for the purpose of finishing our roads.

Question. Is it believed by the people of your county that there have been gross corruption and mismanagement of the finances of the State?

Answer. Well, that is certainly the fact; it is beyond dispute.

Question. Did that produce a sense of insecurity to your property?

Answer. No, sir; I think not.

Question. Do you know what your bonds sell for in the market of New York?

Answer. I saw them quoted, the new bonds, at 22 or 23 cents on the dollar.

Question. To whom were these bonds issued?

Answer. To M. S. Littlefield and Geo. W. Swepson; or they got possession of them.

Question. Do you know how many?

Answer. I think Swepson got \$7,000,000.

Question. Was the effect of that mismanagement of the State finances and squandering of bonds to make that the chief issue in your last election?

Answer. Yes, sir; it was on the stump.

Question. Did you gain from the republican party on that occasion?

Answer. Gained about four hundred in my county, and in Chatham too, I think.

Question. Was that the leading issue in your State?

Answer. It was; to get the State out of the hands of persons who had squandered the funds.

Question. Was that general issue discussed on the stump?

Answer. I think it was the only one.

Question. In regard to this secret order, whether Union Leagues or Ku-Klux, what was the position of the substantial men of your county?

Answer. They were opposed to it.

Question. Without regard to party?

Answer. Of course it must have been without regard to party, because the republicans, you know, are opposed to it, and the conservatives many of them are opposed to it.

Question. Have you seen in the public papers these organizations deprecated and denounced?

Answer. Only through our party organ.

Question. Your party organ did denounce them?

Answer. Yes, sir; denounced both. Perhaps all of you have seen our Sentinel.

Question. Your chief issue was to get the State out of the hands of the republicans, because of this squandering of the State resources?

Answer. Yes, sir.

By Mr. BLAIR:

Question. Was this Union League organized before you heard of any Ku-Klux?

Answer. It was; it was organized a year before I heard of any Ku-Klux.

Question. Was it supposed or believed that the Ku-Klux were organized as a sort of antagonism to the Union League?

Answer. That is what I understood.

WASHINGTON, D. C., February 15, 1871.

BARTHOLOMEW F. MOORE sworn and examined.

By Mr. CHANDLER, (acting chairman):

Question. Where do you reside?

Answer. In Raleigh, North Carolina.

Question. What is your occupation?

Answer. I am a lawyer.

Question. How long have you been a resident of North Carolina?

Answer. I was born in the State, in the county of Halifax.

Question. Please state what you know with regard to the security of life and property in your own county, and in any other part of the State with which you are familiar.

Answer. It may not be unless, perhaps, to state the means I have of giving a reliable answer to that question. I have been practicing law for upwards of forty years; it has been my sole occupation. My practice has been in the county courts, in the superior courts, in the supreme court, and in the Federal district court of the State. We generally have held four county courts and two superior courts in each county during a year, which brought me into many of the counties in which I have practiced six times a year. My circuit, when I was made attorney general, embraced ten counties. My kindred were scattered over the county in which I was born and the adjoining counties. I therefore had the most ample means of knowing what was the condition of all those counties, as regards the execution of the law.

By Mr. BLAIR:

Question. Name the counties.

Answer. Martin, Pitt, Edgecombe, Nash, Wilson, Johnson, Wake, Franklin, Warren, Halifax, and Northampton. In some of them I only practiced in the superior court. I did not practice in all of them during the war, but I did in most of them. I have been generally called to defend cases when I was not attorney general. I have, therefore, I think, an ample means to know what was the safety of life and property, perhaps, as any other living man in North Carolina.

Question. State, as concisely as you can, what has been the degree of safety of life and property for the past two or three years, or since the war?

Answer. Well, sir, there was a great deal of confusion immediately after the war, necessarily growing out of the altered state of things and the general demoralization that always follows war; but still I think there has been, with the exception of larcenies and house-burnings, a general observance of the rights of property, and a general protection of human life.

Question. Were there at any time outrages perpetrated upon persons or property?

Answer. Oh, yes, sir; there was a great deal of theft. The colored population had all been brought up in such a manner that they had very little regard for honesty or truth. That I attribute, not to the race, but to the fact of their degradation occasioned by slavery. They had acquired the habit of falsifying and of stealing during their slavery, which they could not very well lay off, and therefore almost all the thefts were committed by former slaves. Very frequently, however, we would find a very sorry white man confederating with them, and perhaps himself their leader. Therefore, immediately after the war there was not the same protection to property as there was before; but I am happy to see that the protection to property has much increased

within the last two or three years—increased by the restoration of regular habits through the return of peace and order. In respect to outrages upon persons, I have known of none personally except such as I have heard of during examinations in court, and such as I have seen stated in the papers. Those that were disclosed in the courts, I was generally cognizant of to some extent; as to those that came through the papers, I am satisfied that there have been a great many more outrages committed than there were before the war. I suspect there is no State in the Union that had a more peaceable, orderly, and quiet people before the war than North Carolina.

Question. Are you aware of the existence of any secret organization in the State? If so, what, and for what purpose were they understood to be organized?

Answer. Do you refer to organizations of all kinds?

By the CHAIRMAN:

Question. Give us your knowledge of any secret organizations whatever, which, in their designs and operations, affect the security of persons and property in your State, whether political or otherwise.

Answer. Of course I exclude the Masonic fraternity; that is the only organization that I ever belonged to in my life. There was I think before the war what they called the Know-Nothings, but I know nothing of them except the fact that they existed.

Question. We do not care about the state of things before the war.

Answer. There was an organization at the close of the war, which has existed since, called the Heroes of America, or the Red Strings. I became acquainted with it just at the close of the war, when some of the members were apprehended as being inimical to the confederacy and as having entered into a secret conspiracy to overthrow it; so they were charged. They applied to me as a Union man for the purpose of getting them discharged from arrest. In that way I became acquainted with their organization and their oaths. The only objection I saw to any portion of their oath was, they swore to come to each other's aid in distress; I contended that that meant, however, nothing that was illegal; that it did not mean distress occasioned by crime or any unlawful act, and I was sustained in that view; because if we can put two constructions upon it, we are bound to give it that construction which is more agreeable to innocence. That organization continued some time after the war, as I understood.

Question. Were the purposes of that organization to be accomplished by peaceable or by violent means?

Answer. I know nothing of any purpose beyond adherence to the Constitution of the United States and the restoration of the Union. I did not hear of any violation of either.

Question. Was that organization confined to the State of North Carolina?

Answer. I do not know. My first information came from having a writ of habeas corpus taken out to discharge certain of its members from arrest. The next organization of which I have any knowledge was that of the Union League, which arose immediately after the colored people got political power; I think in 1867 or 1868. The avowed object of that was that they should all act in unison, and they have carried it out very faithfully. I have never seen a more compact league than that has been.

By Mr. BAYARD:

Question. Were they bound by oath?

Answer. Yes, sir.

Question. Secret?

Answer. Yes, sir, it was secret. What that oath was I do not know. It has been said by some that it was to aid in overthrowing every attempt to draw any distinction between them and the whites. On the other hand, it has been said that it was gotten up for the express purpose of ruling the whites and keeping them down under political control. I only know this, that they have acted uniformly together.

By the CHAIRMAN:

Question. Was it confined to the colored population?

Answer. No, sir; Governor Holden was at the head of it. Well, in the course of time, perhaps very shortly afterwards, I heard of two or three organizations. These, I suppose, belong to the whites; one was called the White Brotherhood, another was called the Invisible Empire. I heard it stated that there was a Ku-Klux organization. That name seems to have been a common one in Mississippi, Tennessee, and North Carolina. I never heard of its being in Virginia. I have no knowledge or information of any purpose on the part of the White Brotherhood except in opposition to the league. I know nothing of the Invisible Empire. It has been invisible to me all the while. I never heard of its doing anything. I never heard of the White Brotherhood doing anything in the way of outrage. I have heard a great deal of the Ku-Klux and a great deal of the leagues. My impression has been—and it is derived from a constant attention to what has been going on in that respect—that neither the Leagues intended to operate in the way of outrage upon property or life, nor the White Brotherhood, or Invisible Empire. My impression is that there has been nothing like the Ku-Klux as

an association—I mean a general association—but that there have been squads of persons belonging to the Loyal League, and to the White Brotherhood, perhaps, that have undertaken to perpetrate outrages upon property and persons, not because their society ordered them, but under pretence, or rather with the means and facilities which these organizations afforded to particular squads of bad men to commit such acts. For instance, those that belonged to the League being intimately associated with each other had great confidence in each other, and would soon learn their secrets, and if they desired to perpetrate an outrage it was very easy to get companions of dissolute persons. So on the other hand, of persons who belonged to the White Brotherhood, or Invisible Empire, and those persons who claimed to be Ku-Klux, though I do not think there was *per se* any Ku-Klux organization at all.

Question. In the practice of your profession and from information you have derived of a reliable character in your State, do you know of any instance in which the first organization of which you spoke, the Heroes of America or Red Strings, ever committing any acts of violence in an organized form, or a body of them together?

Answer. No, sir; I think I heard of but one, and that is so indistinct that I would dislike to speak of it with certainty. It happened in the up country, quite a distance from my place of residence.

Question. Have you any reliable information which would enable you to say that violence has been committed by the Union Leagues in an organized body?

Answer. Not as a Union League. I do not believe any violence has been committed by it as a league, nor by the White Brotherhood as an organization, nor by the Invisible Empire as such; but I believe these several associations have given rise to facilities by which squads of bad men would unite together for illegal purposes.

Question. Then I understand you to say that all the outrages that have been committed in the State are to be attributed to the individuals who have committed them, and not in any instance to an organization?

Answer. I believe so; when I speak of these organizations I mean one extended organization. These persons going in squads no doubt were organized; it was a conspiracy among themselves.

Question. It is your belief that these squads were not carrying out the order of the organized body, but that it was the impulse or concerted action of the squad itself?

Answer. Yes, sir; if, for instance, a negro had been badly treated, of course that would naturally beget a feeling of exasperation among the colored population, and would perhaps cause half a dozen or more to associate themselves together for a common purpose, as of burning the house, or stealing the horses or cattle of the man who had maltreated the negro. And on the other hand, if a white person has been outraged by a negro, that, as a matter of course, would beget a feeling of exasperation on the part of certain white men, and they would perhaps take the negro and whip or scourge him. I believe there has been nothing of the sort done upon any political grounds whatever, for I can say with truth having voted at all the elections since the war closed, that I have never seen a people enjoy greater freedom in elections than the people have in North Carolina. And when I say freedom, I mean acting their own way. Negroes have uniformly associated together, and they have voted for whom they pleased, and generally, almost universally, they have voted for those who were nominated by the League, without any regard to the competency of the candidates.

Question. Is that a distinguishing feature of the politics in North Carolina, or one that you may find anywhere else?

Answer. Well, sir, I found it too much so when I used to be a candidate myself, a long time ago. I have taken occasion once or twice to speak to several colored persons who were men of intelligence and virtue, men whom I knew long before they were emancipated, (I never was an advocate for slavery myself,) and I have asked them why they did not vote for persons that were competent and virtuous, and they said that they were afraid the whites would take some advantage of them if they did not keep together.

Question. Assuming that this theory of yours is correct—that violence has grown out of the facilities afforded by these organizations—has not a state of violence been reached in many counties in your State, through these outrages, as to have rendered the civil law powerless to punish the offenders?

Answer. No, sir.

Question. Are you acquainted with the state of affairs existing in Alamance and Orange Counties in 1869 and 1870?

Answer. I am acquainted through the examinations, for I was one of the counsel in the habeas corpus cases. I am acquainted with the account which has been given through the papers. I have never heard of an instance where there has been any resistance at all to the arrest of any man against whom a precept issued, whether that precept was taken by a white or black man.

Question. After the process has been executed and the alleged criminal arrested have you known any instance in which the offenders charged with what are known as Ku-Klux outrages have been convicted?

Answer. Well, sir, I cannot call particular cases to recollection. I think there have been many convictions, and there have been many unjust acquittals.

Question. Can you call to mind any case now in which a person charged with committing what is popularly known as outrages by the Ku-Klux has been convicted? If so, give us the name of the case, and where it occurred.

Answer. I do not practice in either of those counties, and am therefore personally unacquainted with the particular cases, but there have been convictions time and again, as I have seen reported through the papers. For instance, I think there are some two or three persons now in the penitentiary, perhaps white and black both, that went out in disguise under a pretended organization of what they call Ku-Klux.

Question. Do you recollect any other case than that of the negroes in Alamance County where the parties were convicted?

Answer. No, sir; I do not. All, or very much that I have seen about it, has been from the examination that has recently taken place in the impeachment of Governor Holden, except as it has been currently reported through the papers.

Question. You do not recall any instance from your recollection?

Answer. No, sir; I do not.

Question. Taking the oaths of this organization as they were disclosed in the examination in which you were counsel, do you think they would not interfere with the proper administration of justice where a member of the organization was on trial?

Answer. It so happens that I never read either of the oaths, for though I appeared as counsel in some of the cases, I was not present when the oaths were disclosed.

Question. Have you never read the published proceedings in the case prepared by Judge Battle?

Answer. No, sir; he sent me the book, and I have mislaid it, and have not read it.

Question. Nor the report contained in the appendix to Governor Holden's message?

Answer. No, sir; I have read a portion of it.

Question. Have you, then, sufficient information of the nature of the oath and the manner in which it is considered by those who take it to say whether such an oath would lead the members of the organization to defend each other in a trial in court?

Answer. I have not; I only spoke from the general conclusion I have drawn from what I have seen of them.

Question. Can you say that in Orange, Alamance, and Guilford Counties a party who was a member of the Ku-Klux organization could be brought to justice as freely as those who were not?

Answer. No, sir; I would not say that, for I have witnessed in the bygone times of whiggism and democracy enough to satisfy me that party spirit often had much weight with the jury.

Question. It would be because of the strength of party feeling?

Answer. Yes, sir; and I have every reason to believe, notwithstanding I am a Mason, but there would be a kindness felt by the fraternity to a member on trial.

WASHINGTON, D. C., February 16, 1871.

BARTHOLOMEW F. MOORE, examination continued.

By the CHAIRMAN:

Question. At the close of your testimony on yesterday, you referred to the division of feeling that existed in olden times between the whigs and democrats. Do I understand you to mean by that that a similar division of political sentiment is caused by the outrages to which you have referred?

Answer. I think so, to some extent.

Question. How does it manifest itself? Do those of one party take sides unanimously against these outrages, and do those of the other party palliate or justify them?

Answer. There may be something of that shown if they are tried in the immediate locality where these outrages take place. If the trials should be removed to some other county, I do not believe there would be any such feeling at all.

Question. My questions are put with reference to your last statements yesterday, when you spoke of the feelings which animated the whigs and democrats in the olden time. What I mean to inquire is this: Does the same division of sentiment now exist between the conservative and republican parties in North Carolina, in regard to these Ku-Klux outrages, so as to make a party question when any of these cases come into court.

Answer. No, sir. Those outrages called Ku-Klux outrages were altogether local. Of course a feeling would be exhibited in the particular locality, but nowhere else; whereas in old times the whig and democratic parties were all over the State. I cannot say that the same feeling exists to a similar extent, or at all among gentlemen of integrity and respectability. I do not see much perversion of justice from that cause anywhere.

Question. In the localities where these outrages occur, do they partake of a political character?

Answer. I do not think they do. I think they generally are governed by those who are connected with the persons who committed the outrages. Let me be understood. I think these outrages are generally committed by squads of young men having a large connection in the immediate vicinity.

Question. So you stated yesterday, as your belief.

Answer. Yes, sir; and the friends of those young men would be favorably disposed to them, and they would be very apt to endeavor to get them on the jury. I suppose you are very well acquainted with the power and facility of particular sheriffs and officers in packing a jury.

Question. Are your own political relations with the conservative party?

Answer. Yes, sir; but not with what I call the democratic party. I never had any political association with the democratic party.

Question. How are parties divided in North Carolina now, and by what names are they known there?

Answer. One party is generally termed the conservative party. Perhaps I may be wrong in saying it is generally so termed. In some localities they are called conservatives; in others they are called democrats, and in others they are called conservative democrats.

Question. There is the republican party on one side, and the party which is called by the several names you have mentioned on the other?

Answer. No, sir; the other party in some localities is called republican and in others is called the radical party. I never called myself a democrat; not that I would dislike every gentleman in the world by whatever name he might be called; but I was opposed for political reasons to the democratic party in former days, and I do not like myself to be called by any name now except conservative. I am a conservative and nothing else, and my political convictions are founded upon principle, independent of party.

I wish to say something in addition to what I said yesterday, and in connection with it. Since I was here yesterday I have turned my attention to the Senate Executive Document No. 16, part 2. I never before read General Hunt's report, of January, 1871, although I was well acquainted with him. He and I were very frequently together during his stay in Raleigh. He, of course, from his position, had great facilities for obtaining information from various parts of the State of North Carolina. I have carefully read the letters from the commencement, on page 22 of that document, of the letter of General Hunt to the assistant adjutant general Department of the East, down to the paper on page 28, marked E, and they reflect my views very substantially in the conclusions stated by General Hunt, Captain George B. Rodney, and Captain Frank G. Smith. At all events all those whose correspondence is referred to by General Hunt substantially indorse my conclusions in regard to matters of fact, and the causes why there was the agitation which he describes. I will read a portion of General Hunt's letter of January 2, 1871, as being in my opinion perfectly true. That letter was written after he left Raleigh. He says:

"I found political feeling running very high, and great excitement existed, growing out of the proclamation of the governor, declaring certain counties in a state of insurrection; the arrest and confinement of many of the citizens by the State troops; the refusal of the State authorities to obey the writs of habeas corpus issued by the chief justice of the State in their behalf, and the failure of the latter to enforce his writs, because it would lead, as was alleged, to civil war.

"The excitement was intensified by the asserted intention to try the prisoners by military courts, composed of officers of the State troops, (one regiment of whites, commanded by Colonel Kirk, serving mostly in the insurrectionary district, and one of colored troops, Colonel Clarke, headquarters at Raleigh.) There was much apprehension that such trials, if had, would lead to military executions. A copy of my report on the subject, marked A, is appended."

What General Hunt refers to there as a matter of rumor at the time, in regard to a military court-martial, has since that time become a well-ascertained fact. Certain letters have been discovered, addressed by Governor Holden to Colonel Kirk, which were left by him on his hasty removal from some of his camps, or perhaps in some court-house. They have been proved and exhibited in the court of impeachment of Governor Holden. Those letters, as well as this of General Hunt, I had heard of. I will state presently the impression which the rumor of the court-martial produced upon the community. Our elections are held on the first Thursday in August. These letters of Governor Holden to Colonel Kirk were written in July, and I will refer to portions of them:

"EXECUTIVE DEPARTMENT, STATE OF NORTH CAROLINA,
"Raleigh, July 17, 1870.

"To Colonel G. W. KIRK, *Commanding Post at Fauceyville:*

"DEAR SIR: This will be handed you by Colonel Albright and Colonel Ray, in whom I have full confidence.

"There are many more arrests to be made, but the next list will be furnished to the judge advocate. The court must assemble on Monday, the 25th July. Some of the Caswell criminals are escaping. I want you to exercise a sound discretion as to such arrests in Caswell, not on the list you have, as may be necessary.

"W. W. HOLDEN,
"Governor and Commander-in-Chief."

"EXECUTIVE DEPARTMENT, STATE OF NORTH CAROLINA,
"Raleigh, July 28, 1870.

"Colonel G. W. KIRK:

"I have thought it best, mainly on account of the pending election, to postpone the court-martial until the 8th of August. It will certainly be held at that time. I will notify you in time as to the necessary arrangements.

"W. W. HOLDEN,
"Governor and Commander-in-Chief."

By the CHAIRMAN:

Question. You are now reading from the record of the impeachment trial at Raleigh? *Answer.* Yes, sir. I wish to say that I have not referred to anything, and do not intend to refer to anything unless I am so fully convinced of it that, as a juror upon my oath, I would find the fact as I state. At the time when those habeas corpus cases were going on, and when Governor Holden says, "the lawyers are exhausting all their resources," there was a general impression prevailing that there would be a court-martial, and it produced terror indescribable. The Standard, a paper published at Raleigh, and which was then the representative of the executive, constantly denounced the gentlemen of the bar who appeared for the persons who took out writs of habeas corpus, as Ku-Klux lawyers. Now, I know there was not a single legal gentleman connected with the conducting of the habeas corpus cases who had any sympathy with the Ku-Klux, as they were called, and those who made these denunciations in the newspaper knew it well; and they went further than that. In the editorials of that paper they intimated that those lawyers—Ex-Governor Graham, Ex-Governor Pragg, Judge Merrihan, Judge Battle, and myself, were nearly all the gentlemen of the bar, I believe, who were counsel for the prisoners—were Ku-Klux, and Ku-Klux lawyers; and often "old us to 'beware.'" That was about the time that we heard (and there was a general rumor to that effect) that there was to be a military court-martial. Frequently the paper contained the warning, "Ku-Klux lawyers beware!" or words to that effect. I know there was a general feeling of horror and fear and apprehension that gentlemen of the bar, who had merely engaged in their professional duties, would be taken up and tried by a military court-martial.

Question. Is that all you desire to state in connection with this matter?

Answer. Yes, sir.

Question. Then a question or two in connection with the statement you have just made. You have spoken about the feeling of apprehension and terror caused by the fear of a military court-martial being ordered.

Answer. Yes, sir; connected, also, with the particular individuals supposed to have been assigned to it, who were mostly men without character.

Question. Judging from the state of terror and apprehension which existed in Alamance and Caswell Counties, arising out of these Ku-Klux outrages, do you think that anything short of a military force would have sufficed to put a stop to the outrages that were being perpetrated? Without referring to the kind of force sent there; without reference to the character of Kirk or of the men under him, would anything short of a military force have stopped the class of outrages that were being perpetrated in those counties?

Answer. There was no resistance to civil process. The courts were open all the time, and they had power to remove the trials from one county to another.

By Mr. BAYARD:

Question. To any county in the State?

Answer. Yes, sir, from one county to another; there was an act passed for that very purpose; and I used that argument in the habeas corpus cases to show that there was no necessity for declaring those counties in insurrection.

By the CHAIRMAN:

Question. Take the case of Outlaw, who was hung within a few yards of the courthouse in Graham?

Answer. Yes, sir; a very great outrage.

Question. Take that case as an instance of the manner in which outrages were perpetrated; would the civil law reach that case?

Answer. Perhaps I do not exactly comprehend you. How would the military law reach it?

Question. Excuse me; I am not on the stand. I do not want to get into a controversy with you on this matter; I merely want your opinion whether in those counties the civil law would reach such cases?

Answer. Much more effectually, and, in my opinion, much more justly, than the military law, because military law is always accompanied by despotic powers.

Question. It is your opinion I want.

Answer. I think that every witness who would go before a military tribunal would go before a civil tribunal. The State had power to exempt to jurors absolutely and for cause.

Question. Do you think, if the murderers of Outlaw had been arrested, the members of the band which committed that murder would not have protected and defended each other in any trial that would have occurred in that county?

Answer. I think that is a very natural conclusion.

Question. That they would? Do you not think that the state of terror and apprehension, consequent upon the outrages of that band, was as great among the people of that county as that caused by the apprehension of a military commission?

Answer. I do not.

Question. You do not think so?

Answer. I do not; you speak of the people generally?

Question. I am speaking of the class of people visited by those outrages.

Answer. I have every evidence that there was a kind, good feeling between the whites and the blacks; between the laborers and their employers in that county; and when you read the evidence which I have read in this impeachment matter you will find that the witnesses so state.

Question. Do you give it as your opinion that the colored people of Orange and Alamance Counties, or the people known as Union people, had no ground of apprehension of personal violence from these organized bands of Ku-Klux in those counties?

Answer. No, sir; I do not say that. My impression is that they had, because they operated in particular localities, and I suppose they could not tell when a Ku-Klux squad would come among them any more than I could tell when I was to be tried by military court-martial; therefore I had a fear and apprehension arising from that threat, and they had a like fear, I suppose.

Question. You think the fear and apprehension arising from such cases as that of Outlaw was not so great as that caused by the apprehension of a trial by court-martial?

Answer. No, sir; by no means. There were three cases of homicide in the counties of Orange, Caswell, and Alamance; I know nothing of them except what was commonly reported. There was the case of Outlaw, which, I think, was a very great outrage. Then there was the case of a man named Puryear, which was rather a mysterious case. He was found some time after being missed, in the water. Then there was the case of Stevens, in Caswell, which is a most extraordinarily mysterious case; the most mysterious, to me, that I ever read of.

By Mr. BAYARD:

Question. As mysterious as the Nathan case in New York?

Answer. Vastly more so. I have paid particular attention to every report on the subject; I have made particular inquiries of gentlemen of high integrity from the county. It is a profound mystery. The conclusion I have come to is that he was not killed in consequence of his politics.

By the CHAIRMAN:

Question. You have referred to reading the Executive Document of the Senate, No. 16, containing the President's message to the Senate on the subject of this investigation. Have you read the form of oath said to have been taken by the members of the Ku-Klux order?

Answer. Yes, sir; I have read that since yesterday.

Question. Taking that oath to have been established by the testimony, do you think that in a case where a member of that organization was on the trial he would be acquitted if members of his order were on the jury or in the witness box?

Answer. I think, from my knowledge of human nature, that they would be strongly inclined to forget their oath in the jury box, and adhere to that of their order.

Question. If it is true that there were six or seven hundred members of that order in the county, do you believe that life and property is secure in that county, or that

wrong committed there by members of the order would be redressed in the civil courts there?

Answer. I do, but only by removing the trials to another county. This is a very common thing—a practice we have pursued in North Carolina ever since I have been at the bar.

Question. Assuming the oath and the obligation as stated in the evidence to be true, would the officers of the law, who undertook to remove the case for trial to another county, be safe from the vengeance of the order?

Answer. I think so. It is always done by the prosecuting officer; generally upon his statement, without oath, upon honor, that he does not believe the State can have a fair trial in such county. Thereupon the case is removed to some county where it can be tried fairly, or removed again.

Question. Do you believe the witnesses could with safety follow the case from one county to another?

Answer. I do.

By Mr. BAYARD:

Question. Did you ever know a case of resistance to any process of a civil magistrate during the last two years?

Answer. Never.

Question. Or of interference with the service of subpoenas, or processes of any kind?

Answer. Never have known a case. I may have heard of resistance to some arrest of drunken men in the streets of Raleigh.

Question. Those are police cases?

Answer. Yes, sir.

Question. I speak of those counties where these outrages are said to exist; can the officers of the law execute processes freely and without resistance?

Answer. I am perfectly satisfied they can.

Question. A question was asked in respect of your political affiliations; will you state what was your relation, politically, to the question of secession?

Answer. I was opposed to secession. I will go further back. I was opposed to nullification, for I lived in those days. I wrote against it, and, whenever I had occasion, spoke against it. I was as much opposed to secession as any man in the United States of America; and I never saw this way, notwithstanding I had a son in the confederate army, when I rejoiced at a triumph of the confederate army.

Question. Were you a Union man throughout the war?

Answer. I was; and sometimes was threatened to be sent to the Libby prison.

Question. At the close of the war did you meet the United States Army?

Answer. I did.

Question. With what sentiments did you meet it?

Answer. With kindness. And I may tell something perhaps which will exhibit my feeling in that regard. When I first saw the United States flag, floating from the palace of the governor, I rode half a mile to seize it; such were my feelings.

Question. Have you sought to cooperate efficiently with the restoration of your State to her former Federal relations?

Answer. I have. I have not been in favor of some of the constitutional amendments, because I thought they would lead ultimately to the dissolution of the Government of the United States by the concentration and consolidation of powers which could be exercised properly by the States only.

Question. Did you take any personal part in the annulling of the ordinance of secession?

Answer. I did. I was in the convention called by President Johnson which sat in 1865 and 1866. I drew the ordinance declaring void from the beginning, and of no force at any time whatever, the ordinance of secession, in which I differed from some of my associates who wanted to repeal it. I refused to have it repealed at all, maintaining that it never had any force or effect.

Question. Were your views adopted?

Answer. Yes, sir; the ordinance was adopted in the very words in which I wrote it.

Question. That was declaring the attempted secession void *ab initio*?

Answer. Yes, sir; and that the union of the States remained precisely as it was before.

Question. Is the general sentiment of your State, in your opinion, friendly to the restoration and permanence of North Carolina as a member of the Federal Union?

Answer. Nothing is more desired. Industrial pursuits now are beginning to thrive, and there has been a considerable improvement, as I stated on yesterday, in my opinion, in respect to the honesty of the colored population. I remember very well during the last winter that we had very little pork brought from the country to Raleigh. North Carolina had been a great hog-raising State. During the present winter a considerable quantity of pork has been brought into Raleigh, showing that honesty among the colored population is increasing. On inquiry among my kindred

and friends, who are scattered through a great many counties, I am satisfied that there is now much less loss of hogs and cattle than there was a year ago.

Question. Do you believe there is any feeling of dissatisfaction toward the Government of the United States in your State? I do not mean individual cases, but anything like a public sentiment?

Answer. No, sir; there is no such sentiment.

Question. Any disposition to organize an obstruction to the laws of the United States?

Answer. No more than there is in this District, according to my judgment. I do not think it is in the power of fifty men in North Carolina, of the greatest eminence, to get up anything like a rebellion or insurrection called treason.

Question. Under any circumstances?

Answer. Yes, etc; I do not think they could produce any such impression.

Question. Have you any idea that there are fifty such men who desire it?

Answer. I do not think there is one of any eminence.

Question. What was the debt of North Carolina at the close of the war?

Answer. It was \$14,000,000 or \$15,000,000. I had occasion during the war to cast it up, as an official duty.

Question. Was any portion of the debt voided by the action of the United States Government?

Answer. No, sir.

Question. That was what you may term the *bona fide* debt of the State?

Answer. Yes, sir; there was about \$6,000,000 added to it, I think, by the issue of bonds by the State, which were evidently issued for war purposes.

Question. Those were voided by the State government?

Answer. Yes, sir.

Question. Therefore the debt standing at the time of the inauguration of a civil government of North Carolina under the United States authority was about \$14,000,000 or \$15,000,000?

Answer. Yes, sir.

Question. To what amount has that debt been increased?

Answer. To about \$35,000,000, I think.

Question. How was that increase made?

Answer. Under the pretended purpose of advancing internal improvements, and it was principally brought about by persons who were not citizens of the State of North Carolina, but who had a vast influence, by having had positions as officers of the United States Army.

Question. What were the names of the chief managers?

Answer. General Littlefield was the principal man.

Question. What attitude did Governor Holden occupy in regard to the creation of this additional debt?

Answer. He made no opposition to it, and I regretted it exceedingly, because there is no one I know that feels more deeply than I do the degradation of the public faith of North Carolina. I remember very well the degradation to which Mississippi sank in consequence of the repudiation of its debt, and there was not a man in North Carolina that would have assented, at that time, to any such degradation on the part of the State of North Carolina. To pay all the public debt that is now in existence, created by these bonds, amounting to some \$25,000,000, would take one-fifth or one-sixth of all the real estate of North Carolina, at its present tax value.

Question. What was the political complexion of the legislature that approved of this issue of bonds?

Answer. It was decidedly radical or republican.

Question. That political organization controlled the legislature?

Answer. Entirely; the league organization controlled it.

Question. The Union League?

Answer. The Union League, so called, completely controlled it.

Question. Did or did not these leagues embrace the bulk of the colored people of the State?

Answer. Almost all of them.

Question. Were not the leagues chiefly composed of colored people?

Answer. Yes, sir; we have about 80,000 colored voters and about 110,000 white voters in the State.

Question. You believe the colored voters were generally combined in these leagues?

Answer. Almost universally. So strong at that time was the feeling, that I remember an instance of one colored man, in the county of Wilson, who was whipped by two of the league negroes for voting the conservative ticket. They were tried for the offense, convicted, and sentenced to three months' imprisonment by Judge Thomas, who was elected by the radical party, and they were pardoned by Governor Holden. At whose solicitation they were pardoned I know not; there may have been very good reasons

for the pardon; I only state the fact. Nevertheless, it went out as a public example, and had a very injurious effect in my opinion.

Question. Did it have the effect to lead the colored men to think that acts of that kind might be perpetrated with impunity?

Answer. I suppose so.

Question. Owing to the idle condition of the colored people and their consequent want, and then the perpetration of these offenses against property, do you believe that those offenses were increased by the supposed impunity owing to Governor Holden's pardons?

Answer. Well, sir, I would not go as far as to say that; I do not know that Governor Holden was in the habit of pardoning colored persons who were convicted; but I speak of this as an instance which I thought had a very unhappy effect upon the community. I do not know that he has been in the habit of pardoning thieves because they were colored people. I have frequently heard him accused of it, but it may be an unjust accusation.

Question. Was that the general tone of the leagues toward those colored people who did not follow their lead--that of intimidation and punishment?

Answer. It was so; it was a frowning upon them in such manner as to create terror.

Question. Did it destroy their independence of action?

Answer. Entirely destroyed their independence.

Question. That was throughout the State?

Answer. That was throughout the State, so far as I know. I have very frequently stated myself, and I will use the same expression now, that they were very much like a flock of sheep, which always follow the bell-wether, whether he jumps over a fence or leaps into a pit.

Question. Who first organized the leagues?

Answer. I cannot tell you; they seemed to spring up at once like a mushroom--rose right out of the state of affairs, and Governor Holden was the head president.

Question. The president of the central organization?

Answer. Yes, sir.

Question. He controlled it?

Answer. I suppose he did.

Question. Was the effect of this organization to draw the colored people away from their labor at improper times?

Answer. It was, and to diminish their wages. It made them thriftless in many cases. A man could hardly get a laborer in many cases, when he lived near a town where these constant assemblages took place. They became quieted down, however, in course of time. I believe Governor Holden for some time past has withdrawn from the league; at least, as an officer. I do not know whether he still belongs to it or not.

Question. In the distribution of officers throughout the State, was or was not the sole appointing power in Governor Holden?

Answer. Generally for a time it was, and I was sorry to see it announced by him that he would not appoint any person to any office unless he belonged to their party.

Question. He was a strict partisan in his appointments?

Answer. Yes, sir. The result of it was that a large proportion of the gentlemen of North Carolina who had been in office in former times, who had taken just such a part in the rebellion, against their will and wishes, as to make them obnoxious to the provisions for reconstruction, were kept out of office. There is nothing, in my opinion, that tends more to the security of life and property than the respectability of subordinate magistrates. Our justices of the peace are peace officers. A great many of the now appointments were of men of known bad character, men convicted of theft, or accused and believed to have been guilty of theft, and men who could not read or write. Why, sir, precepts have been brought to me issued by justices who were not able to sign their names, but who made their mark. Justices who tried important cases, involving misdemeanors for which the parties might be sent to jail, could not write, and had to make their mark for their signature.

By the CHAIRMAN:

Question. Are these magistrates elected or appointed?

Answer. A great many of them were appointed.

By Mr. BAYARD:

Question. Appointed by Governor Holden?

Answer. Yes, sir, appointed by him. And the system of electing these men to office is now such as to entirely destroy all confidence in many localities, for the leagues are so united that they will elect colored ignorant men.

Question. Were any colored people appointed to such positions?

Answer. Yes, sir, many. In very many of the townships you will find colored men and white men together acting as magistrates.

Question. That is under Governor Holden's system of appointment?

Answer. Yes, sir, they are elected too. The administration of justice before justices of the peace has become contemptible, and that is one great source of demoralization

in the State. Nothing conduces more to order, decency, and propriety in society, than to have gentlemen for magistrates; gentlemen, I mean, in the true sense of the term.

Question. What disabilities prevent the appointment of a proper class of persons to whom the community were accustomed to look with confidence?

Answer. Well, a great many had served in the Army, or had sent clothing to the soldiers, and in that indirect way were excluded from office. Let me refer to my own case. Notwithstanding, as I stated a little while ago, I never saw the day during the war when I desired a separation of the States from the Union, yet, when I came to look at my position after the war was over, I did not think I could take the test oath with propriety. I consulted Judge Chase about it, and he told me he thought I could. I told him I had scruples about it.

Question. You knew Governor Holden personally during the last twelve years?

Answer. I have known him ever since 1840.

Question. What was his course during the war? What position did he occupy politically?

Answer. Well, sir, he was one of the delegates to the convention at Charleston in 1860, and I believe he was in favor of Douglas for President. Then, after South Carolina had undertaken to withdraw from the Union, North Carolina was determined to remain in it if she could have Virginia to stand by her. But Tennessee and Virginia withdrew from the Union, leaving North Carolina surrounded by confederate States. Then a great many of our people thought the only safety for the State from being overrun by her own southern people was to go with the rest of the confederacy. A convention was voted for in the spring of 1861 to decide that question. Governor Holden was a candidate, and was elected to the convention. He was one of those who signed the ordinance of secession.

Question. Was he an advocate for it?

Answer. No, sir; I am satisfied he was not at that time, any more than Mr. Badger. They were both elected on a ticket in opposition to what was called the secession ticket.

Question. But he signed the ordinance?

Answer. Yes, sir.

Question. During the war did he actively participate upon the confederate side?

Answer. His paper advocated the confederate side, and in it were found many such expressions as that "we must devote the last man and the last dollar to the cause." But he was not at heart during a large portion of the time devoted to the war. In 1863, and perhaps before, he was very anxious to return to the Union. I know that fact, because I was often in his office. He and I were on familiar terms, and our opinions were very much alike in respect to that. We were both very anxious indeed to have the Union restored. I wrote for his paper sometimes. It was in consequence of some articles which he wrote and published that his office was mobbed by Georgia troops going down South.

Question. Were his disabilities removed after the war?

Answer. I suppose they were. The act of Congress will show. His paper, for twenty years or more, was constantly advocating the right of the States to secede, and I can say that his position as an editor, for he writes very well and strongly, did more to prepare the public mind in North Carolina for secession than any other paper that was ever published in the State.

Question. You say that bonds to the amount of about \$20,000,000 were issued during the provisional government of Governor Holden and up to 1838?

Answer. Yes, sir, about \$25,000,000, before and shortly after.

Question. Do you know what value accrued to the State from that increase of debt?

Answer. I cannot say with precision, but I do not believe it has been benefited to the amount of a \$1,000,000. I saw a statement the other day that not more than \$500,000 had been realized.

Question. Where did the money go? Who got it?

Answer. Well, sir, there were so many persons who got it that I could not specify them. There was an investigation committee appointed during the last session of the legislature, not the present, and they traced many of these bonds to very many persons; a very large number to General Littlefield; a large number to one Swepson, who was a resident of North Carolina, and a considerable number to Timothy Lee, who was then and is now sheriff of Wake County, and who owes his election altogether to the league vote. A considerable number of them went to our own citizens; perhaps a larger number to Littlefield and Swepson than to any other persons; Littlefield and Swepson have been indicted. The latter was residing in the State of Maryland and was demanded. He came to North Carolina and surrendered himself. Governor Caldwell has undertaken to bring Littlefield from Florida, where he is now staying, but the governor of that State has refused to surrender him.

Question. Mr. Swepson has been apprehended?

Answer. Yes, sir.

Question. And is under indictment now?

Answer. Yes, sir; not to be tried till next June.

Question. What effect upon the minds of your citizens had the creation of this vast debt and this squandering of the public credit?

Answer. It produced a very general indignation against its authors.

Question. Did it produce very widespread dissatisfaction?

Answer. Oh, yes.

Question. Was that confined to any political party?

Answer. No, sir; it is not now. Since I came here a new article of impeachment has been added in regard to these bonds. It was voted for very generally by both parties in the house of representatives.

Question. Has it become an article by the action of both houses?

Answer. I understand so.

Question. Is that an impeachment of Governor Holden for the criminal issue of these bonds?

Answer. Yes, sir; and for many other causes. I do not think that Governor Holden ever participated actually in the frauds.

Question. Do you think he was personally aggrandized?

Answer. I do not think he was. I think his very great fault was, standing by and seeing ruin to the State, when he could and should have prevented it.

Question. Do you think the effect has been to bring financial ruin to the State?

Answer. I do. I do not see how it is possible to avoid it. There is no one who would more object to North Carolina being called a repudiating State than myself, but I do not see how she can pay this debt.

Question. You do not see how she can actually meet it?

Answer. No, sir.

Question. Did this condition of affairs, this insolvency in the State affect the political canvass last fall?

Answer. No doubt about it.

Question. Was that the leading issue in the last canvass?

Answer. I think that, connected also with the question in regard to the constitution, (which is impractical in its operation in the State, and produces more confusion than anything else I have known.) I think those two were the great leading issues in the outset of the canvass. The exercise of military despotism added one more.

Question. How was it in regard to the outrages by disguised men? Did they form an issue between the parties? Did they have the effect of placing one party on one side and one on the other?

Answer. Oh, no, sir; no person has ever advocated publicly, so far as I have heard, the violations by the Ku-Klux organization. No man in North Carolina dares rise before the people and advocate a thing of that sort.

Question. Then did the first issue touch the question of force when Governor Holden proclaimed these counties in insurrection?

Answer. I think so. Indeed, in the course of my reading this morning, I saw it stated that a popular uprising was threatened—that a rebellion or insurrection would ensue, provided Governor Holden undertook to enforce the law by his militia. I say the people of North Carolina, though agitated, were quiet and subdued. I have never seen a people more entirely submissive to what was both wrong and tyrannical.

Question. Do you know the fact that there was a body of negro military in Chatham County, some six hundred of them, organized by Governor Holden?

Answer. I do not.

Question. Do you know Mr. Kirk personally, or have you seen him?

Answer. I never saw him but once, and that was just before he left the State.

Question. Do you know what his general reputation is?

Answer. His general reputation was that of a brutal sort of a man in his conduct toward gentlemen. That came to my knowledge through his reported action in North Carolina.

Question. Had he been a man connected with guerrilla operations during the war on either or both sides?

Answer. I cannot say.

Question. Can you speak as to his repute?

Answer. All I know about that has been derived from reading the report of the impeachment trial. There have been four witnesses who spoke of his character, who came from Tennessee; one by the name of Coker, a former representative in Congress from Tennessee, and another by the name of Reeves, from Tennessee. Their testimony is contained in this pamphlet, (Impeachment Trial, page 265, and onward.)

Question. You spoke of the present constitution of North Carolina being in some respects impracticable in your country; state what general provisions of it render it unsatisfactory to your people.

Answer. It has upturned completely our judicial system; it has innovated upon it in almost all practical respects—made our government expensive and cumbersome. It was framed for the purpose of the introduction of a particular code, and the convention

itself appointed the code commission, and that code commission was greatly influenced by gentlemen then in power, who had recently become citizens of North Carolina, and had none of the sympathies of North Carolinians in regard to their laws or their welfare; took almost an exact copy of the code of New York practice, and undertook to engraft it on the laws of North Carolina. Two codes of law could not well be more irreconcilable than these.

Question. Was any dissatisfaction felt, or was there a disposition felt to change the constitution in any respect affecting the newly acquired rights of colored people in the recent convention?

Answer. No, sir.

WASHINGTON, D. C., February 17, 1871.

BARTHOLOMEW F. MOORE, examination continued.

By Mr. HAYARD:

Question. I will ask you in regard to the convention to revise the constitution of the State of North Carolina, proposed to be called by the people of that State. In your opinion as a jurist, is the act of the legislature lately passed for that purpose constitutional and legal? What is its object, and is there any purpose to affect the liberties of the colored people by drawing distinctions between the races not now tolerated, or to invade their rights as secured by the Constitution and laws of the United States?

Answer. I have heard and am acquainted with the arguments in favor of the bill to allow the people to call a convention, and those against it. I am satisfied that the bill is not calculated nor was it intended to, and if it goes into effect will not, produce any conflict with or disrespect of the Constitution or laws of the United States; but its entire scope and object were to reform some, and some only, of the great political and civil powers of the State government which had been introduced in 1868, amidst times of confusion, through the overpowering influence of men from other States who were members recently discharged from the United States Army, who knew nothing of and cared not for the long-established usages and customs of the people. The present constitution is a medley of confusions and contradictions; it is utterly subversive of our long-established judicial, municipal, and financial systems.

In order the more clearly to show the strength of my convictions that there was nothing criminal intended by the bill, I will give a brief synopsis of the arguments for and against the bill.

Those who held that no convention could be called through the provisions of the bill, say—1. That the only mode by which a convention can be called is provided by the present constitution, and that the mode provided has not been followed, for want of a two-thirds vote of all the members of each house in favor of the bill. 2. That the present State constitution was submitted to Congress and accepted by it; and, therefore, cannot be altered in any other mode than that prescribed in it, inasmuch as there is no reservation of power to alter the constitution than by the mode presented.

Those who favor the plan provided by the bill say that the mode proposed is not forbidden by the constitution of the State, and that the mode specified in the constitution refers only to amendments made through the legislature; that there is no prohibition in the constitution against a direct vote of the people upon the question whether they desire a convention; that a provision for submitting that question directly is not prohibited by the constitution, and therefore is not in conflict with that instrument. They say that by the constitution of the State all powers are declared to reside with the people; that Congress, in accepting the constitution, did not intend to restrain or limit the exercise of such powers, provided such exercise was consistent with the Constitution and laws of the United States; and that any attempt or provision by one convention to prevent a free expression of opinion by the people at another day is null and void, because such prohibition is beyond the powers of a convention; and that, while it may be both proper and constitutional to restrain action by the legislature upon the subject, there is no power which can forever shut the mouths of the majority of the people against their wish to alter their constitution; that if this were so, a new State with a small population, framing a constitution for admission into the Union, and suitable to its then condition, might be forever restrained by its first convention from a change of that constitution, unless by a unanimous vote of all the people, or all the members of the legislature; and, therefore, they say that a majority of the people can, in this way, be no more forbidden to alter their fundamental law than can one legislature forbid another to repeal a mere legislative enactment; and they say, also, that while they do not pretend to provide for a legislative amendment of the constitution, because that is forbidden, unless in a certain way, still they may lawfully provide the machinery whereby the qualified voters of the State may declare their will; and the will of the people being so ascertained, they—the people—may make their will the law of the land, and abrogate an existing law which they dislike.

Such are the arguments.

Without expressing any opinion which is the correct view, I am unable to perceive

In either the one or the other any criminal purpose to impair the Constitution or laws of the United States. I am satisfied that there exists no such disloyal purpose.

By the CHAIRMAN:

Question. Premising that there must be some limit to our examination, and to the answers also in this case, and preferring facts and opinions without any extended reasons therefor, I will ask you a few questions.

Answer. The reason I have given so extended an answer is that since I have been here I have seen in a leading paper in this city, the Daily Chronicle, the insinuation that the whole purpose and object of the proposed State convention in North Carolina was to beget a disloyal and insurrectionary sentiment in the State of North Carolina.

Question. We understand that. Having answered Mr. Bayard's question by stating how desirable it is that the constitution of North Carolina should be amended, and your belief that the proposition contains no criminal intent to violate the laws of the United States, will you now give your answer briefly to this question: Do you believe that under the constitution of North Carolina a proposition for a convention to alter that constitution can be submitted by anything less than a two-thirds vote of each house of the legislature?

Answer. The reasons which I have offered in answer to the question of Mr. Bayard are those which have influenced my conviction that the proposition might be submitted to the people by less than a two-thirds vote of the legislature.

Question. Throwing out of consideration the desirability of a change in the constitution of North Carolina; throwing out of consideration, also, the question of any criminal intent as regards the laws of the United States, and looking at it as a question under the constitution of the State as that constitution now stands, do you, as a jurist, give it as your opinion that a proposition for a convention may be submitted by anything less than a two-thirds vote of each house of the legislature?

Answer. The proposition to ascertain the will of the people, whether they will have a convention or not, can be submitted by less than a two-thirds vote; but the proposition to amend the constitution through the instrumentality of the legislature cannot be made by less than a two-thirds vote.

Question. Do you believe, then, that the present proposition, as now submitted by the legislature, is within the constitutional power of the legislature?

Answer. I have not been able to see any decided objection against it; I would not myself have framed such a bill; I would have avoided what have been specious objections.

Question. In the course of your examination you have referred to the testimony of Mr. Reeves in regard to the character of Colonel Kirk; did not Mr. Reeves state that any reputation of which he spoke as touching the character of Colonel Kirk was the reputation he made during the war, and while he was in the Federal service?

Answer. From my recollection of the published testimony, I think he did; I did not hear the testimony; all I know about it is from reading the book in which it is printed.

Question. Did he not state that all that he had seen of his behavior was that of a quiet citizen, and that he knew nothing to the contrary except during the time when he (Kirk) was in the military service?

Answer. I think he did.

Question. On which side was Mr. Reeves during the war?

Answer. I do not know.

Question. Was not the reputation of Colonel Kirk, of which Mr. Cocks and Mr. Reeves spoke, confined to the character he acquired in the service of the United States as a military officer?

Answer. I forget what Mr. Cocks said on that subject; Mr. Cocks resided in Jonesboro, Washington County, East Tennessee, during the war, I think; but I can say this, that I know nothing of the character of Kirk and Bergen, except what was commonly reported of them after they came in the vicinity of Raleigh.

Question. You have referred to the testimony given on the impeachment trial of Governor Holden in regard to the character of Colonel Kirk; does not the same testimony say, in speaking of him as an officer in the Federal service, that he was the terror of the people of Middle Tennessee?

Answer. I think it does.

Question. As an officer in the Federal service?

Answer. I think so.

Question. Is not that the reputation referred to in the testimony given by the witnesses in the impeachment trial?

Answer. Yes, sir. I wish to say this: I know nothing in the world of the character of these men before they came to Raleigh, except through the examination before the impeachment committee.

Question. Do you know, from the reputation borne by the witnesses who testified as

212 **CONDITION OF AFFAIRS IN THE SOUTHERN STATES.**

to the character of Kirk, whether they were upon the Union, or the confederate side during the rebellion?

Answer. All I know about that is what I derive from the book to which I have referred.

Question. What is your impression?

Answer. My impression is, that Mr. Reeves said he was a Union man until Lincoln's proclamation.

Question. Is it your impression that he was in the confederate service?

Answer. My impression is that he said he was in the confederate service.

Question. In reference to the fact whether in some of the counties there is any obstruction to the enforcement of the laws, let me put this case to you: If a colored man should be whipped, with the information at the time he was whipped that it was because he kept a colored Sunday-school, and that such occupation must be desisted from; that the persons in that neighborhood would not permit it; where such a thing as that can be done with impunity, and the perpetrators not be brought to justice, do you think the civil law is sufficient for the protection of life and property there?

Answer. Such an act would not only be regarded as an outrage, but the very act of keeping the Sunday-school would be regarded as charitable and laudable. One of my daughters attends one of those Sunday-schools and teaches the children.

Question. Where a white man taught a colored school, and because of that was whipped and compelled to leave the county, and the perpetrators of that offense could not be brought to justice, would you think that the civil law was efficient in such a community as that for the protection of life and property?

Answer. We would feel highly indignant at such conduct as that.

Question. That is another matter.

Answer. You will pardon me for expressing my feelings at such a thing.

Question. Certainly. Well, in one county a colored man named Allen was taken out of his house, by men in disguise, and scourged, and compelled to leave the place, because he taught a colored Sunday-school. And in the same county, a white man by the name of Corliss was taken out of his house and whipped, because he taught a colored school. What is the condition of affairs where such things as these can take place, and no one be punished for them?

Answer. I know nothing about those things, except what is stated in the examination, which I believe is contained in the book before you.

Question. Where such offenses as those can occur in any county, and the perpetrators not be brought to justice, do you consider the civil law efficient for the maintenance of the public peace and the preservation of life and property?

Answer. Not, if it was precisely as you state. But I do not understand that to be the case stated in the book, or that to be the reason given why he became odious. The colored school-house he kept was not burned.

Question. I have not referred to a colored school-house being burned.

Answer. Corliss was driven from the State, so it is said, because of his introducing in the midst of a church where white ladies were sitting a colored woman or a colored man. That was the ground upon which public indignation was excited against him, as I understand it.

By Mr. NYE:

Question. Assuming that to have been the fact, that injury was done his person, and the act was unpunished, would you consider the civil law sufficient to protect him?

Answer. I should think if the perpetrator of the act was indicted in any locality in which I have practiced he would certainly be convicted.

By Mr. BAYARD:

Question. Have you not stated that there was complete discretion on the part of the prosecuting officer, in case he doubted the sentiment of the jury in the county where the act was committed, to move the case to another county, and continue to move it from county to county until he could secure a fair public trial?

Answer. Yes, sir.

By the CHAIRMAN:

Question. You have spoken of the irritation produced by the test-oath and the difficulty of getting proper persons to fill the offices in your State in consequence of that requirement. Are the State, county, and township officers in North Carolina required to take the test-oath?

Answer. I am pretty well satisfied that all the State officers of North Carolina are required to take the test-oath.

Question. Are you sure of that?

Answer. I think I am. I know it was so at one time. I think that is provided by the constitution.

Question. At what time was that the case?

Answer. I will look at some books I have, and give you a definite answer at some future time.

[On the next day, the witness appeared before the committee, and desired to have the following added to his answer:]

Ever since the fourteenth amendment became a part of the Constitution of the United States; section three of that amendment prohibits any person holding a civil office under a State "who may have previously taken an oath as a member of Congress, or as an officer of the United States, or a member of any State legislature, or as an executive or judicial officer of any State to support the constitution thereof, or shall have engaged in insurrection or rebellion against the United States." The State constitution, article 6, section 4, requires every person "elected or appointed a legislative, judicial, or executive officer of the State, before entering upon the duties of his office, shall swear to support the Constitution of the United States." Therefore, if any person was a justice of the peace or constable previous to May, 1861, he cannot now be a justice of the peace or constable unless his disabilities are removed, for he took an oath before the war to support the Constitution of the United States, and is therefore incapacitated to hold office. He cannot support the Constitution and laws of the United States if he accepts office in violation of the fourteenth amendment; he would be perjured to take it. This explains what I mean by taking the test-oath.

Question. If you cannot answer it now, we will proceed with other inquiries.

Answer. My impression is that the officers of the State are obliged to take the test-oath.

By Mr. RICE:

Question. Under the constitution of the State?

Answer. That is my impression; but I will not be positive about it. The voter in North Carolina is not bound to take the test-oath.

By the CHAIRMAN:

Question. You have referred to the fact that an impression prevailed among some of the colored people that pardons could be easily procured, and, therefore, there was, on their part, a sense of immunity from punishment, and you spoke of the case of a colored man in the county of Wilson who had been convicted and then pardoned by Governor Holden.

Answer. There were two of them.

Question. That statement was followed by the interrogatory whether that produced the idea among the colored people there that they could commit crime with impunity. I do not now remember the exact answer you gave to that question. But I will put a question suggested by that. I think you have already stated that you know of no case in which persons who had committed these outrages in disguise have been convicted?

Answer. I could hardly have said that, because I know that three or four of them are now in the penitentiary.

Question. Colored men from Alamance County?

Answer. So I understood, and others.

Question. I believe you stated that no white man had been convicted for such an offense?

Answer. I do not know personally of any such case.

Question. Has not that fact produced the conviction that those crimes can be committed with impunity in the counties where the organizations exist?

Answer. It is very likely it has; I can only judge from the fact, as any one else would.

Question. You have further stated, in reference to the origin of the Union Leagues, that the colored men left their employments to attend the meetings at improper times. Is there not a feeling of indignation or exasperation on the part of a large portion of the white population of North Carolina that the colored men should be allowed any political rights at all?

Answer. There has been a very decided opposition to it. I can recollect very well when I—and I was among the first to do so—brought forward a proposition to allow a colored man to testify against a white man. There was a very strong feeling of indignation against it and against me; I persevered, however. There are some very prominent men, who are now the very warmest republicans, who opposed me and defeated me in an election to the legislature in consequence of it.

Question. It is the state of public feeling I wish to ascertain. Is there not now a feeling very prevalent among the white population of North Carolina, that the exercise of political privileges by the black man is an assumption on his part, and one they would be very glad to have him deprived of?

Answer. Not that it is an assumption on his part. The feeling is this: that the black man is ignorant, and therefore unqualified to vote with intelligence. That is the ground, and that is my only ground. I would except both races alike who could not understand the Constitution of their country. But that feeling is dying out very rapidly.

Question. Do not the very persons who justify or seek to apologize for the outrages committed by the Ku-Klux, do so upon the ground that the enfranchisement of the colored race was a wrong inflicted upon the white people of North Carolina?

Answer. No, sir; the ground upon which they base the action of what they call the Ku-Klux is the fact that outrages were first committed by the colored population.

Question. Have you known any instance in which the colored population have committed any wrong, where there has been any difficulty in court in convicting them?

Answer. Yes, sir; a famous instance occurred just before I left home, where some eight or ten negroes were indicted for having gone in a band and burned several houses in the same neighborhood, in the upper part of Wake County. Two or three of them turned State's witnesses; the others were tried, and were on trial for a week. The jury, as it was said, and reported to me by the solicitor, was packed. After a long trial, there was no conviction; and the solicitor, for the purpose of obtaining justice against these burners, removed the trial of the others (for there were three or four indictments) to another county.

Question. Removed the trial from Wake County?

Answer. Yes, sir; that occurred during the month of January last.

By Mr. NYE:

Question. Is it a very unusual thing in the course of your litigations for juries to disagree?

Answer. Oh, no; juries frequently disagree.

By the CHAIRMAN:

Question. That trial was in the county in which you live.

Answer. Yes, sir; in the city of Raleigh.

Question. Was the character of their associates in the crime attacked on the trial?

Answer. Only upon the ground of their having been associates.

Question. And accomplices in the crime?

Answer. Yes, sir.

Question. Have you ever known a case in which any members of the Ku-Klux have gone into court to testify against their associates as accomplices on any trial?

Answer. I cannot say that I remember having seen anything of the sort; but in the trial which followed the *habeas corpus* case, as I understood, (I did not hear the examination,) there was a man by the name of Boyd, and several other persons, who admitted that they were members.

Question. That was in the proceeding to have the alleged members of the Ku-Klux organization released from custody?

Answer. No, sir; they were arrested and brought before the chief justice, and upon the examination a number of them, perhaps eight or ten, were arrested and brought before the chief justice upon examination whether they should be bound over to answer to the charge alleged against them, and among the persons who were examined were some who said they had belonged to the Ku-Klux, and the chief justice bound them over for trial.

WASHINGTON, D. C., February 17, 1871.

J. B. SMITH sworn and examined.

By the CHAIRMAN:

Question. What is your present residence and occupation?

Answer. I reside at Raleigh, North Carolina, and I have charge of the normal school for the education of colored teachers.

Question. How long have you lived in the State of North Carolina?

Answer. For more than three years; I went there in December, 1867.

Question. From where?

Answer. I went from New Jersey.

Question. What opportunities have you had for knowing the condition of affairs in North Carolina or any part of it, as affecting the security of person and property? Give us your means of information, and the knowledge you have upon that subject.

Answer. I have, of course, knowledge of the county where I reside; I have acquaintance with many persons in different parts of the State; I had acquaintance with the members of the convention and of the legislature that met at Raleigh. I was selected secretary of the State agricultural society and reorganized it, and thus became acquainted with gentlemen from all the counties of the State; and in reorganizing my school I selected trustees from various parts of North Carolina, and, of course, have had the acquaintance of those gentlemen; and I have been acquainted with most of the members of the convention, and the members of the two houses of the legislature, in the city of Raleigh. So far as the county in which I reside is concerned, there is as much security for human life there as any place I have resided in. I have heard of outrages being committed in different parts of the State, and I have attended some of the examinations

of witnesses in the impeachment trial, and heard statements there with reference to charges of outrages, which facts I believe you have before you in some documents. It seems that outrages have been committed by parties, irrespective of color, and irrespective of political sentiment; that is, from private personal spite. Colored men have whipped colored men, and assumed to themselves the name of Ku-Klux, and some of them are now in the penitentiary at Raleigh for that offense.

Question. How many?

Answer. You will find it in the record of the impeachment trial.

Question. We do not care about incorporating the record of the impeachment trial in our testimony. Give us your own knowledge of these facts.

Answer. All the knowledge I have is from hearing the testimony in court; I have not been in those counties.

Question. Have you such personal knowledge, or reliable information from those who you know to be credible, as will enable you to state the true condition of affairs in any part of the State?

Answer. I think I have.

Question. State it as briefly as you can.

Answer. With regard to the people of North Carolina—and I have had a great deal of intimate, close conversation with gentlemen from various parts of the State—I regard them as an extremely kind people, I mean kind toward the colored people; they have a kindly feeling for them; I have evidence of it on all sides in expressions and in acts. I find that the relationship which formerly existed between master and slave has left a feeling of kindness on the part of the master toward the slave. I find masters continually recognizing the old relationship, and aiding and assisting their former slaves. I know of no feeling, upon the part of any one in North Carolina that I have ever talked with and met, of antagonism toward the colored people.

Question. Have you ever been in the counties of Alamance and Orange?

Answer. I have passed through them, not to stay in them.

Question. Do you know anything of an occurrence there in regard to a school-teacher of the name of Corliss, from New Jersey?

Answer. No, sir.

Question. You have never heard of it?

Answer. I heard of it on the impeachment trial.

Question. Was your communication in your position as head of the normal school principally with the former slave-owners, or with the colored? With which of them had you most conversation?

Answer. With the colored people and members of the legislature who were interested in having them educated.

Question. Do you know anything of wrongs inflicted upon the colored people, derived from the same information, by bands of disguised men in the night-time?

Answer. I have heard there was such things; I know nothing of it except as I have heard of it; as I have stated, I heard there was a band of colored persons; my own impressions I give from what I hear, that there is no organization called Ku-Klux throughout the State, but that persons in neighborhoods wishing to punish individuals for offenses, or to gratify personal animosity, band together and put on disguises and commit these acts.

Question. Do we understand you as giving it as your opinion that there is no organized band known as Ku-Klux?

Answer. Throughout the State?

Question. Yes, sir.

Answer. Most decidedly; I do not think there is such a society throughout the State.

Question. And that they are not bound together by oaths?

Answer. There may be in certain localities individuals who commit these acts.

Question. You think it does not pervade the whole State?

Answer. I do not think it pervades the State.

Question. You mean, not many counties in the State?

Answer. Not many counties.

Question. How many counties does it pervade, in your opinion?

Answer. I have heard of it in four, I think.

By Mr. Nye:

Question. Is it not a matter of public notoriety that they exist in those counties, and have existed for some time?

Answer. As a regular organization?

Question. As Ku-Klux, no matter about the organization.

Answer. I have given the answer, that colored people band together, wearing disguises, calling themselves Ku-Klux—members of the Union League, as they were proved to be, and are now in jail for whipping persons of their own race.

By the CHAIRMAN:

Question. What instances do you refer to?

Answer. To instances given in the trial of Governor Holden.

Question. Was not that a case occurring in Alamance County?

Answer. Yes, sir; where the men are now in jail for committing the offense.

Question. Colored men?

Answer. Colored men.

Question. Do you know, or have you heard, from your acquaintance with members of the legislature, or from your trustees throughout the State, of a case where white Ku-Klux men have been convicted of any offense committed upon the colored race?

Answer. I have heard of their being brought to trial in the county of Craven, I think before Judge Thomas.

Question. Did you ever hear of their being convicted?

Answer. No, sir; I do not think they have been convicted; I do not think the case has been brought to trial.

Question. Is this the position that you have taken in the State of North Carolina, that you have discredited the existence of the Ku-Klux organization there, as a general thing?

Answer. As a general thing.

Question. You have announced that publicly?

Answer. Not publicly; only as I may have expressed it to individuals. I have not had occasion to say anything publicly.

Question. Did you hear of the hanging of Outlaw, near a court-house?

Answer. Oh yes, sir; through the papers.

Question. Was he a colored man or a white man?

Answer. A colored man.

Question. You never heard that it was the Ku-Klux who hung him?

Answer. They were represented to be Ku-Klux.

Question. You never heard of their being bound together as an organization?

Answer. No, sir.

Question. Have you any opinion as to whether they were?

Answer. I can only form my opinion from the testimony in the trial of Governor Holden, where witnesses swear that they knew nothing of such an organization.

Question. Did you hear the testimony on the trial of the habeas corpus cases, as they were termed, in Raleigh?

Answer. No, sir; I did not attend the court.

Question. You did not hear enough of it to form an opinion as to whether they were bound together by an oath?

Answer. I saw in the papers what the witnesses testified, but I was not in the court at all.

Question. From what you saw in the papers did you form an opinion?

Answer. Yes, sir; I formed an opinion. The statement was made that there was a certain number of men who were bound by an oath.

Question. And did you come to the conclusion that those men would stand by each other on a trial in court, in pursuance of that oath?

Answer. I never thought anything further about the matter than the simple fact that there were in these counties certain persons engaged in unlawful actions.

By Mr. NICE:

Question. You read the newspapers on both sides?

Answer. Yes, sir.

Question. Has it not been a matter of discussion in the public prints for a year or two past that an organization called Ku-Klux existed?

Answer. On one side it has been charged that there was such an organization.

Question. Has it been denied by the other?

Answer. That the organization extended through the State?

Question. No, no. Has it been denied on the part of what you call the conservative papers, that in those several counties there did exist an organization of that kind; and have not those papers rather palliated their offenses?

Answer. I have never heard, on the part of the conservative papers, palliations for an outrage committed; that is, for outrages committed by the Ku-Klux, as they were called.

Question. I have seen some of the papers, and I want to see if your recollection and mine are alike. Have you not seen newspaper articles giving reasons why these Ku-Klux Klans were organized, and advocating organization on the conservative side in their own defense?

Answer. I have seen reasons assigned why men should band together to protect themselves.

Question. Have you not heard a justification in the conservative papers for this banding together?

Answer. Of the acts?

Question. I am not speaking of acts. Have you not read articles in which it was said that they had to do this to protect themselves, or to prevent outrages being committed by others?

Answer. I have seen articles of this kind, where the editor said that certain acts on the part of Governor Holden and the organization of the Union Leagues in the State would lead to the organization of opposite societies.

Question. Do you know anything of the organization of the Union League?

Answer. I did not belong to it.

Question. You never did?

Answer. Yes; I did in the North.

Question. But not in North Carolina?

Answer. No, sir.

Question. Is it any different from the organization in the North?

Answer. I cannot say.

Question. In the Union League you belonged to at the North, did you find anything that taxed your conscience?

Answer. Not at all.

Question. Do you know of anything in the organization of the Union League there that differs from the Union League in the North?

Answer. I do not know anything of the organization in the South beyond the fact that it does exist.

Question. Of course it exists everywhere, North and South. Now, what reason was there that those bands should disguise themselves for the purpose of taking care of the Union League?

Answer. Well, sir, I can only say I do not see the necessity of anybody banding to protect themselves. I do not regard such things as legitimate. I do not believe it is right to resort to any such means. But at the same time, I think, as human nature is constituted, that the organization of one secret political association, its objects and purposes being a mystery, would naturally lead to the organization of an opposite one.

Question. Do you know of any secrets about the Union League?

Answer. Yes, sir, they have secrets.

Question. How?

Answer. None but members know what they do.

Question. Is there anything secret in their sitting?

Answer. Certainly. Nobody is admitted who is not a member.

Question. That is, in their business meetings. Is not the object of the Union League, so far as you know, to concentrate political opinion, and induce people to go with them?

Answer. The Union League, as I understood it in the North, was not devoted to any political purpose.

Question. Is this the first time you have heard that each political party has its clubs and leagues?

Answer. No, sir.

Question. Has it not existed in your knowledge ever since you knew anything about politics?

Answer. I never knew until the Native American movement of any general secret organization to pervade a political party, though I knew of many cliques and clubs, such as the Tammany Hall Society. I know of that since I was a boy.

Question. But no general organization till that of the Native Americans or Know-Nothings?

Answer. No, sir.

Question. Well, I never belonged to that; did you?

Answer. Oh yes, sir.

Question. Then you have belonged to a secret political organization?

Answer. Yes, sir; I did.

By the CHAIRMAN:

Question. This institution over which you preside, is it under State or individual control?

Answer. Under individual control of trustees.

Question. Organized by trustees?

Answer. Yes, sir.

Question. For what purpose?

Answer. The education of colored teachers. I was secretary of the board of missions of the Protestant Episcopal Church, and was requested to undertake that work. I have done so, and established this institution, a school with boarding-houses, where we give the pupils their board and education, and the free use of books. It is the only school of the Protestant Episcopal Church in the entire South.

Question. How old are your pupils?

Answer. From 14 to 36, and even 40 years.

Question. Have none of these pupils ever complained of wrongs committed upon their race by the Ku-Klux of North Carolina?

Answer. Never.

Question. Not one?

Answer. Not one.

Question. With what political party have you acted since you went to North Carolina, if any?

Answer. I voted for General Grant. I never have acted with a party in my life. I was reared a whig; my father was a whig.

Question. In the division of parties existing in North Carolina at present, do you act with or sympathize with the conservatives, or radicals, or republicans?

Answer. With the conservatives.

Question. Has the question of the treatment of the colored race and the outrages of the Ku-Klux assumed in any form a political aspect in that State?

Answer. I have stated that members of the Union League assumed the badge of the Ku-Klux, and whipped colored people—their own race; so that I do not believe, from the information I have received, the organization has any political character whatever.

Question. Which organization?

Answer. Any of these clubs that exist in different localities.

Question. Neither the Union League nor the Ku-Klux?

Answer. I say the Ku-Klux; I do not think they are political in their character; in other words, that the design is a political design.

Question. You do not think it is?

Answer. No, sir; merely to punish stealing and other crimes.

Question. Upon what do you base that belief?

Answer. Upon the fact that persons of both parties have been punished by it. I have no knowledge of their efforts having been directed or confined to persons of one party.

Question. Will you please give us the names of any conservatives who have been outraged by the Ku-Klux?

Answer. I do not know the names of those who have been outraged on the other side.

Question. You state it, as a fact, that persons of both parties have been punished, you will oblige us very much by giving the names of any members of the conservative party who have been outraged by the Ku-Klux.

Answer. I cannot give the names of any individuals beyond Outlaw, who was hung, as I have heard.

Question. Was he a conservative or a republican?

Answer. I understand he was a republican.

Question. You say you cannot give a single name of a conservative?

Answer. No, sir; nor the names on the other side.

Question. Can you name a place where you have heard of a member of the conservative party being outraged by them?

Answer. I have heard of such things in Alamance County.

Question. Give us the place.

Answer. It is only from general reports which I have heard, and statements which have been made to me. I have not given my attention to these things directly, because I am not engaged in political affairs.

Question. Do we understand you as saying that you have heard of an instance in Alamance County where a member of the conservative party has been outraged by the Ku-Klux?

Answer. By persons calling themselves Ku-Klux.

Question. Give us the instances you have heard of.

Answer. I have had various conversations with regard to this thing, but I cannot tell you the particular party, nor the particular place. The conversations have been going on for the last six months, and the general impression is what I give.

Question. Give us the name of the person who told you.

Answer. I have talked with so many parties, I cannot name any particular persons.

Question. Give us the name of a single one.

Answer. I cannot mention the names of the persons with whom I have talked.

Question. Can you name a single one?

Answer. Well, I cannot. I cannot remember the conversations—only the impression.

Question. Then you can give us neither the name of a conservative who has been the subject of outrage, nor of the place where such an outrage has been committed by the Ku-Klux, nor of any person who told you of such an outrage?

Answer. Neither can I do it with regard to republicans.

Question. Have you never heard of Outlaw being hung by the Ku-Klux?

Answer. I have heard he was hung, and that it was a company of Ku-Klux who did it.

Question. Have you heard of Corlies, a schoolmaster, being whipped by the Ku-Klux at Company's Shop?

Answer. No, sir.

Question. Have you ever heard of a colored man of the name of Allen being whipped for keeping a Sunday school?

Answer. No, sir; not of the name.

Question. Have you heard of a colored man named Puryear being drowned in Alamance County?

Answer. The first I heard of it was in the trial of Governor Holden.

Question. Was this colored man a republican or a conservative?

Answer. I suppose he was a republican. I do not know.

Question. In general you have never heard of any of these outrages?

Answer. I have heard of outrages, but as to individual names of persons I have not heard of them.

Question. Do you know how you were brought here as a witness?

Answer. No, sir.

Question. At whose instance?

Answer. No, sir.

By Mr. NYE:

Question. Then there have not been enough of these outrages upon freedmen committed in any part of the State of North Carolina, as I understand you, to attract your attention much to it.

Answer. I have seen in the newspapers statements of certain persons being injured. Any outrage would attract my attention, but the names I do not remember.

Question. Have you ever seen the uniform of the Ku-Klux?

Answer. No, sir, never.

By the CHAIRMAN:

Question. How far is Alamance County from Wake County?

Answer. From the county town of Alamance County to where I live is about fifty or sixty miles.

Question. How far is Hillsboro, Orange County, from your place?

Answer. I suppose it is thirty or forty miles.

Question. Did you ever hear of five or six men being taken out of jail at Hillsboro by the Ku-Klux?

Answer. Yes, sir; I think I saw some statement that there were men taken out of jail.

By Mr. BAYARD:

Question. How long have you been connected with the ministry?

Answer. About twenty-five or twenty-six years.

Question. Continuously?

Answer. Yes, sir.

Question. Always been in the ministry of the church you have mentioned?

Answer. Yes, sir.

Question. You said you were secretary of the board of missions.

Answer. For that department of work among the colored people.

Question. Was your appointment as secretary of the board of missions in any way recognized by the State authorities of North Carolina?

Answer. No, sir; no connection with the State.

Question. You are not dependent upon it in any way?

Answer. No, sir; in no way. I was requested by General Howard to go to North Carolina when I proposed to establish a normal school.

Question. For the purpose of educating colored people, in order make them competent to teach their own race?

Answer. Yes, sir.

Question. Do you continue in that relation?

Answer. I do; the school is going on now.

Question. Have you, since you have been in North Carolina, found any prejudice against you or unkindness on account of your occupation?

Answer. I have not found any unkindness toward me among the people of North Carolina; no one has treated me unkindly.

Question. Have you, on the contrary, met with personal kindness from the people there?

Answer. Yes, sir; the very best people of the State all through the community have treated me with the utmost kindness; visited my family and myself.

Question. Your duties there brought you in contact immediately with the colored people who came to you?

Answer. Yes, sir.

Question. Are those who are in your school generally the more intelligent of the race?

Answer. That is our purpose; to take the more intelligent and educate them.

Question. It is to those your ministrations are confined?

Answer. Yes, sir.

Question. Do they talk to you freely about the condition of their race and their prospects in the State?

Answer. They talk as freely as pupils generally do.

Question. You are upon friendly terms with them?

Answer. Oh, of course, I could not be engaged in the work if I had not at heart the desire to elevate them.

Question. Among these people is there a sense of security as to their person and property and political rights in the State?

Answer. I know of nothing among them evincing that they do not feel perfectly secure. I think some of them may have the idea that political rights are not secure from what they hear or read in the papers, because it is charged that the purpose of the present administration in North Carolina is to take away the rights of the colored people, and ignorant people, those who are not thoroughly intelligent, may be disturbed by such things.

Question. You spoke of trustees throughout the State, did you appoint them in every county?

Answer. No, sir.

Question. What was your system?

Answer. I went there and consulted with Bishop Atkinson, of the classis of North Carolina, and at his suggestion I took the names of the leading laymen and clergymen in the State.

Question. White citizens?

Answer. White citizens of North Carolina.

Question. Were they appointed in every county?

Answer. No, sir.

Question. What was the ramification?

Answer. There are, I think, five clergymen and five laymen, besides the bishop of the diocese.

Question. Does this lead you to the examination generally of the condition of the black people of the State?

Answer. Certainly; I am interested and constantly inquiring and conversing with the colored people; and I may say that I organized, on going there, a land and building association for the colored people, which brought me into intimate contact with them. I am the treasurer of it. The object is to secure to them homesteads.

Question. You spoke of the existence of Union Leagues; did you obtain your information that such societies existed from the colored people around you?

Answer. Yes, sir.

Question. Did they exist throughout the State?

Answer. So far as I know.

Question. I mean from the information given you by those colored people?

Answer. Rather from the public statements. I do not know that the colored people have said to me in so many words that it existed throughout the State, but I know of the fact of its existing in Raleigh by the statements of the colored people.

Question. Do you know whether Governor Holden was president of the State league?

Answer. I know as well as I can know, without being in it myself. It was notorious that he was president of the league.

Question. Do you know whether this league was bound by oaths?

Answer. I understood that they were.

Question. Had their passwords, and secret signs, and other accompaniments of secret societies? Is that the general understanding in the community?

Answer. That I understood to be the case; the way of knowing their members.

Question. In your opinion is it perfectly safe for any man, black or white, to keep a colored school anywhere in that State, if he confines himself to the legitimate duties of his profession?

Answer. That is my opinion.

Question. With perfect safety?

Answer. I think so.

Question. Would you hesitate to establish a colored school in any portion of the State, under the care of a judicious and sensible man?

Answer. Not at all.

Question. Would you think his life and personal property safe?

Answer. Perfectly.

Question. You said you voted for General Grant in the last election?

Answer. Yes, sir.

Question. Have you had any conversation with Governor Holden relative to the late election?

Answer. I have had several conversations with him.

Question. In regard to the condition of the State?

Answer. Yes, sir?

Question. How did he express himself in regard to the politics of those who were opposing his election?

Answer. I had a conversation with him, I think, last April. Colonel Hayman was in charge of the camp. He was an Episcopalian, and I had called upon him to pay my respects. I found Mr. Barringin, Mr. Kingsland, Colonel Hayman, and Governor Holden together. Mr. Kingsland was connected with the North Carolina Land Company. He was talking with Governor Holden about the great injury done to the State by his proclamation—that it kept persons from coming into the State to buy land. The proclamation was in regard to certain outrages. I do not know whether at that time he had declared the county of Alamance in insurrection. Mr. Kingsland was talking upon that subject when I went in. Governor Holden was very much excited about the recall of the United States troops, and had received no assurance then that there would be any troops to supply their place. Well, I spoke to Governor Holden and said, "Governor, what displeases me is, that you should put these colored men up for Congress, for responsible offices. I notice in my work among these people that there is great moral injury done to them throughout the State; the effect is very bad; it unsettles them; they do not seem to be disposed to go to regular labor, because they are looking to political preferment." He then expressed himself in respect to the colored people, and said that Congress had seen fit to pass a law by which they were admitted to seats in the State legislature, and he wanted them to have some of the same themselves, and therefore he went for sending them to Congress. Then he said to me, or rather to us all, "Now, if the Government does not send these troops, I shall arm the colored people. I can control by my word 80,000 men. I can go to this convention that is to meet here next week, [a republican convention,] and send them by a word." I remarked at the same time, "That is dangerous power—very dangerous power to be in the hands of one man." He then said to me, in the presence of these gentlemen, "What is to hinder the Ku-Klux from taking you, Dr. Smith? Are you not afraid?" "Not at all," said I. Said he "There is nothing to hinder them from taking you or any other radical." Said I "Excuse me, but that is not my name; I am not a radical." Well, then he went on to say that for his own part, in his opinion, General Grant would hold the Government of the United States no matter what the election was in 1872; that he desired him to be emperor, and his son to succeed him as emperor.

By the CHAIRMAN :

Question. That is, that he, Governor Holden, wished it?

Answer. That he, Governor Holden, wished it.

By Mr. BAYARD :

Question. Was that 80,000 men of the league?

Answer. I understood him to mean the colored voters of the State.

Question. Do you understand that the colored vote of the State is generally bound together by this Union League?

Answer. I do.

By the CHAIRMAN :

Question. As I have never been a member of the Union League, I know nothing of its forms. I wish to know from you, as a northern man, what is the obligation of the organization?

Answer. It was during the war that I joined it. I attended but one or two meetings. The object then was to uphold the union of the States. There was no party in it at that time.

Question. As near as you can, give us the form of the obligation you took.

Answer. I suppose I am at liberty to give it. As I remember, it was simply to the point that we would uphold the union of the States and the Government of the United States against its enemies.

Question. Where did you join it?

Answer. In Jersey City. I went from New Jersey to North Carolina.

Question. Was that obligation administered in the form of an oath?

Answer. Really, I do not know whether I was sworn or not; I am under the impression that it was an oath.

Question. The design of the organization then was, in your belief, to preserve the union of the States?

Answer. That was the design of the organization which I joined.

Question. Was there anything in the obligation or the internal regulations of the order that required you either to violate the law in support of any other member of the organization or to commit any deed of violence.

Answer. No, sir; I would not have joined it if that was the case.

Question. Were either its purposes or its tendencies in that direction?

Answer. I did not so regard them at all.

Question. That is what was known as the Union League?

Answer. Yes, sir, when it first originated.

Question. What year did you join it?

Answer. It was during the war; it may have been in 1863 or 1864.

Question. You never severed your connection with it?

Answer. Never formally; I did not attend, that is all.

Question. Had it signs and passwords?

Answer. I attended but twice. My impression was that it was a secret society for the purpose of preserving the Union. I cannot swear positively that it had signs and passwords or had not; I do not recollect. My impression is that they had these things but it would be rather the result of analogy than as the remembrance of a fact.

Question. Then, when you went South, the colored people informed you that they were members of the Union League?

Answer. Yes, sir.

Question. Did you make yourself known to any of them as a member of the Union League?

Answer. No, sir; I resolved to have nothing to do with political questions in the South.

Question. In your connection with the colored men, as members of your institution and as members of the building association, did any one of them ever complain to you of the wrongs done to their race by the Ku-Klux?

Answer. No, sir; I have not heard of any wrong in the county of Wake. The building association is composed of persons in the county of Wake; therefore they had no complaint to make.

Question. I speak of wrongs to the race in the State.

Answer. Oh, I heard a colored clergyman say—

Question. That is not the point. Did he complain to you of any wrong done to him or his people?

Answer. No, sir; there was no wrong done to him.

Question. You occupy the position, then, of head of a school for the general education of colored men, and no single colored man in North Carolina has ever come to you to complain of any wrong to his race?

Answer. No, sir.

By Mr. Nye:

Question. Where do the trustees of this institution of yours live?

Answer. In various parts of the State; one in Wilmington, one in New Bern, one in Charlotte, four or five in Wake County around Raleigh, one in Edgecombe, and one in Halifax.

Question. With which political party do they act?

Answer. They are conservatives.

Question. All of them?

Answer. Yes, sir.

Question. Your school, then, is eminently a conservative school?

Answer. Not at all.

Question. How happens it that they are all conservatives?

Answer. The gentlemen were selected on account of their known interest in the colored people and desire to elevate them.

Question. You say you had a talk with the bishop in regard to their selection; on which side in the war was he?

Answer. He was on the side of the South.

Question. He belonged to the rebels?

Answer. Bishop Atkinson never took any active part in politics; he is not that kind of a man.

Question. How do you know he took the part of the South?

Answer. I know he was living in the South; and I know there are very few respectable men in the South that did not take part with the South.

Question. Especially of the Episcopalian order?

Answer. No, sir; Presbyterians, Methodists, Baptists, and all.

Question. It so happens that, on your board for educating the blacks, you have not got a single republican trustee.

Answer. I could not have, sir.

Question. Why not?

Answer. I did not want to have politics in the matter.

Question. But you have got it?

Answer. No, sir; I wanted to select gentlemen known throughout the State, respected and honored, to give to the school the confidence of the community.

Question. So you organized your school in that view; do you mean to say by that that there is no republican gentleman in North Carolina?

Answer. I do not mean to say that; if I had put on republicans, there were very few native republicans that I would like to have seen on the board; those that we have selected are gentlemen of unimpeachable character, high moral standing, and gentle-

men who bore an opprobrium when they took the place. It was an opprobrious position when they assumed it three years ago; but it was their devotion and desire to elevate the colored people that led them to accept the position.

Question. What is the character of your teaching in that school?

Answer. Nothing of a political character at all.

Question. Do you ever undertake, in any positive way, by lecture or otherwise, to instill into them what the Constitution means?

Answer. I explain to them the Constitution of the United States.

Question. How happens it that you should have made this board exactly as you did, if it had not been for the bishop, who was on the other side in the war all the time?

Answer. I consulted with General Howard in regard to the board as well as Bishop Atkinson; I went there at his request, and I brought to General Howard the nomination of those men, and he gave his approval, because he wanted to render some assistance to the school.

Question. Did he know these men?

Answer. He knew some of them personally.

Question. Which one?

Answer. Mr. Kemp, B. P. Battle, and, I suppose, he knew General Cox, and I think he knew Dr. Mason very well.

Question. Have you got in your school-board any one who did not take a prominent part in the South during the rebellion?

Answer. Several who took no prominent part; Dr. Mason was a Union man all the way through.

Question. Did he fight for the Union cause?

Answer. There was no Union cause to fight for in North Carolina.

Question. Oh, yes; we had a great many Federal troops from that State?

Answer. He was a clergyman, and stayed at his post and discharged his duty; at the same time he was known to all parishioners as a Union man—the same as Mr. Moore, who was examined here, was a Union man.

Question. Well, didn't he change his views pretty suddenly, late in the war?

Answer. He never has changed his views in regard to the Union, as I have heard. I want to say this, that I have been very intimate with the people of North Carolina, and have never heard a disloyal sentiment from one man.

Question. Then you regard them all eminently as Union men?

Answer. As loyal men, in the Scripture sense of the word, as St. Paul teaches.

Question. How is that?

Answer. St. Paul wrote in the days of Nero, that men should obey "the powers that be." I consider it our duty to obey the civil rulers.

Question. Then if I understand the Episcopal creed, they do respect the powers that be?

Answer. Yes, sir.

Question. So you would have obeyed the rebel authorities in North Carolina, as a clergyman?

Answer. I should certainly not take up arms against a *de facto* government.

Question. You would regard it in a religious sense as wrong to oppose a *de facto* government?

Answer. I certainly should not oppose it as a clergyman.

Question. Then, as I understand it, if you had been in North Carolina during the war, instead of joining the Union League, as you did in New Jersey, you would have gone with the rebels?

Answer. Well, sir, I can only tell you what my general principles are, and from those you may infer what I would do. I do not believe in resisting governments.

By Mr. BAYARD:

Question. Was there any Union League in North Carolina for you to join before the war?

Answer. I do not suppose there was.

By Mr. NYE:

Question. You do not believe in opposing the Government?

Answer. As a clergyman?

Question. I am now asking about what you would do as a man, irrespective of your position as a clergyman. Had you been in North Carolina when the rebellion broke out, would you as a man have gone with the rebels?

Answer. I would like, if I answer that question, to answer it in full. North Carolina was a thoroughly Union State. A large majority of the people voted against the convention. The gentlemen in my board of trustees were men of that character, men who opposed secession, but who succumbed after Virginia had gone out, South Carolina having gone before. Feeling themselves between two stones they succumbed.

By the CHAIRMAN :

Question. Assuming the Government of the United States to be the power that was, in 1860, if the State of North Carolina had set itself up against the Government of the United States, which would you have gone with, North Carolina or the United States?

Answer. I have been educated in the North, and I regard my allegiance as due primarily to the United States Government. I regard the doctrine of Calhoun as political heresy. I regret that the people of the South were over educated in that heresy; but from the fact that they were educated in it, I believe they were as conscientious in what they did as I was in sustaining the United States Government.

Question. Had you been a North Carolinian with the views you have—

Answer. I should have stood with Dr. Mason and Mr. Moore.

Question. Gone with the State or stood with the General Government, which recognizes the powers that be?

Answer. I would have done just what they did—protested, proclaiming my devotion to the Union and that my allegiance was due to the Union, at the same time submitting to the state of things.

There is one thing I would like to state: I acted a leading member of the House of representatives of North Carolina, knowing aim to be a man of principle, "How could you vote for the Shoffner bill to empower the governor of the State to declare at will a county to be in insurrection, if none existed?" the word insurrection being a well-defined term. He said, "Oh, we passed such a law, but it will never be executed." Said I, "Then why did you pass it?" "Now, Doctor," said he, "it is necessary to hold this State as republican for three or four years longer, and the passage of that bill was necessary to enable us to hold it."

Question. Give his name?

Answer. Augustus S. Seymour, of Cleveland County.

Question. Where did he say that?

Answer. In the legislature that passed the Shoffner act of last year.

WASHINGTON, D. C. February 18, 1871.

DANIEL R. GOODLOE sworn and examined.

By the CHAIRMAN :

Question. Where do you reside, and what is your occupation?

Answer. I reside in Warrenton, North Carolina. I would be called a farmer, I suppose. I have a farm about seven miles from town, to which I ride down occasionally; I do not reside on it much now.

Question. In what county is Warrenton?

Answer. In Warron County. I was United States marshal there for three years and a half after the war.

Question. How long have you been a resident of the State of North Carolina?

Answer. I am a native of the State. I came to this city, and lived something like twenty years altogether. I went back to North Carolina in September, 1865, as United States marshal.

Question. What opportunities have you had of learning the condition of the people in North Carolina, and the sense of security for person and property enjoyed by them?

Answer. About the same as others; rather more than ordinary opportunities of observation while I was marshal, because I had occasion to travel a great deal about the State. I have been out of office now for more than eighteen months. I occasionally go to Raleigh, which is sixty miles from my place; but I do not travel about so much now. I have no more than the ordinary opportunities of gentlemen who live in towns and villages, where newspapers and people are to be seen.

Question. You have not been in official position for the last eighteen months?

Answer. No, sir.

Question. Of what part of the State would you say that you have personal knowledge?

Answer. I have most knowledge of the northern middle counties, those on the northern border, and from Halifax, including Granville, on to Raleigh; not much in Halifax.

Question. Give as briefly and connectedly as you can, from your own observation and information, the state of things existing there, affecting the security of person and property.

Answer. In that portion of the State of which I can speak from personal knowledge, it is as good as it is anywhere in the world; there is no more steady-going, quiet people than I know of anywhere in the world. There is just as much security for life there as there is in Massachusetts; more than there has been in this city about election times, to my certain knowledge, for I used to live here in the Know-Nothing times, and I know it was dangerous here at times to walk the streets at night. I have never been afraid to go anywhere in North Carolina; while I was marshal, I went all over the State without any other weapon than a pocket-knife.

Question. Name the counties you consider to be embraced in that description.

Answer. Those that I am most familiar with: first, of course, is Warren, for I live there; then there is the adjoining county of Franklin, my native county; Granville County, where I formerly lived; then Wake County, in which is Raleigh. I have been a great deal in Raleigh. I have heard of some disorders on the southern and, perhaps, western borders of Wake County. I have heard some charges of barn-burning and Ku-Kluxing there. There was a horrible rape committed there by a negro upon a white woman; he was hung for it last fall. And in Warren County, when I first went there in 1865, there were several negroes in jail, who afterward broke jail and got away. Among them was a colored woman who had murdered a white child she was nursing. She was caught again three or four years afterward—three years, I think—and was tried for her life in the spring of last year. I believe she seemed to be a stupid sort of creature, and they let her off with a sentence to the penitentiary. I do not remember exactly what the verdict was; but I remember they sent her to the penitentiary instead of hanging her, which would not have been done if she had been regarded as entirely sane. Then, about 1867, a white man killed a negro man. He was said to be drunk, and had *manta à potu* when he committed the murder. I do not remember positively whether he shot him or stabbed him; I think he stabbed him. He was tried for his life, and they acquitted him on some such ground, I believe. There were some negroes who burned a carriage-house some years ago—a barn that belonged to a Mr. Boyd, their former master, or their employer at the time. It was proved on them in the court, and they were convicted; but the judge let them off on condition that they left the State, and they were sent off to South Carolina.

Question. Who was the judge?

Answer. Judge Watts, a judge elected by the people.

Question. Was that the order of the court?

Answer. Yes, sir; that was the order of the court. There were four or five of them; they were shipped off to South Carolina.

Question. Does the law of North Carolina permit sentences of that kind?

Answer. It does not. I do not know how it was done, but it was done. Everybody remarked upon it as a singular sort of punishment. They were turned over into the cotton fields of South Carolina about the time for picking cotton. About six months ago, a gentleman living in the borders of Virginia, in Mecklenburg County, was killed by a negro. He used frequently to visit our town, and was a very respectable gentleman, whom I have met once or twice. I understood that he was in the habit of drinking too much. His name was Jefferson, a physician. He was in Warrenton about six weeks ago; he came in a buggy, and I understood that he drank too much. As he was on his way back home, perhaps, he stopped and drank again. He met a negro man who formerly belonged to him, and he told the negro to get up in the buggy and ride with him, and show him the way. It was some twelve or fifteen miles to the State line, and the negro went with him for a few miles; I do not know how far. At length the negro murdered the man; it was supposed for his money. It seems that he tied the horse, and it is supposed that, on hearing some one coming, he ran off and left the horse and buggy, and, I believe, did not get all the money. At any rate, he murdered the man. He is now in jail in Warren County. But these things have nothing to do with politics, but are such things as will happen in every community. They have happened in the course of five years; but I do not think they indicate any great amount of disorder.

Question. You say this state of things exists in Warren, Granville, Franklin, and Wake Counties.

Answer. Yes, sir; in a portion of Wake County. I have heard of some disorders in the western and southwestern portions of Wake County; but I am not able to testify in regard to them.

Question. Have you had personal knowledge of these cases of which you have testified?

Answer. Only that sort of knowledge that all people have of transactions in a community.

Question. From public rumor?

Answer. Yes, sir, well-known facts around me.

Question. I notice, by referring to the map, that Chatham County joins Wake County, Orange joins Granville, Alamance joins Orange, and Caswell joins Person County; Granville County being between Warren and Warron Counties. Have you any knowledge, derived from public information, of the state of security existing in Chatham, Orange, Alamance, and Caswell Counties, or either of them?

Answer. I have heard of a great deal of disorder in Orange and Alamance, and of some in Chatham.

Question. From what causes?

Answer. Some from political causes, I think; and a great deal also owing to disorderly persons.

Question. In what sense political?

Answer. I think it was a contest between the so-called republicans and democrats.

226 CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

Question. To what extent did the disorders go arising out of that contest?

Answer. I have heard of negroes being whipped; and in Alamance a negro was hanged.

By Mr. BAYARD:

Question. You refer to the case of Wyatt Outlaw?

Answer. Yes, sir. I suppose you have before you the evidence in that case. I have heard of it in the same way that you have, and perhaps do not know as much about it as you do.

By the CHAIRMAN:

Question. You are a citizen of North Carolina, and residing in the vicinity of those counties. We want the opinions of those residing there.

Answer. I think there was considerable disorder there.

Question. Having stated that these disorders arose out of political feeling —

Answer. Partly.

Question. Well, partly—by which party do you understand that the murder of Outlaw, for instance, was committed, or any of the disorders of which you have heard in those counties?

Answer. There is no doubt that an organization, there called the Ku-Klux, or something of that sort, committed that murder. I believe that is the universal opinion of all parties.

Question. With which party in political sentiment, if with either, was that Ku-Klux organization associated?

Answer. It was understood to be democratic. I have also heard of combinations of negroes calling themselves Ku-Klux and committing outrages.

Question. In the same counties?

Answer. Yes, sir. I may remark that those counties were the very counties in which the Regulators of the Revolution lived, and the battle of Alamance, fought between the King's troops and the Regulators, was fought in what is now Alamance County. I think there is a great deal of that sort of thing there.

Question. Chronic anarchy in that county?

Answer. I would not say it was chronic.

By Mr. BAYARD:

Question. Rather hereditary?

Answer. I would say it was hereditary.

Question. Traditions of that exist there?

Answer. Yes, sir. I perhaps should not have thought of that if I had not read about it in General Hunt's report; and then the fact occurred to me, which he did not mention, that that is the very scene of the operations of the Regulators prior to the Revolution.

By the CHAIRMAN:

Question. In your opinion, derived from these channels of intercourse with the people there, do you believe that person and property are secure, or that wrongs can be redressed, through the medium of the civil courts, in the counties of Orange, Alamance, and Caswell, which adjoin those you live in?

Answer. Well, sir, I have been informed—I have heard it stated from authorized sources, and it has been sworn to—that there has been no instance of violent resistance to civil process.

Question. Has there been any instance of conviction in court after a process has been served upon the parties?

Answer. Well, no, sir; I cannot say whether there has or not.

Question. Do you know of any?

Answer. No, sir, because I have not been there; only passed through there.

Question. You are an attentive reader of the public journals?

Answer. Yes, sir, pretty attentive.

Question. Have you read of any such conviction?

Answer. I do not remember; I remember reading of a conviction of one or two negroes for murdering a white man at Hillsboro; but that had nothing to do with politics; it was a murder for money, and occurred twelve or eighteen months ago.

Question. Of parties belonging to what is termed the Ku-Klux organization, has any one been convicted to your knowledge?

Answer. I do not now remember whether they have or not. I have not heard of any being sentenced to death, that is certain. There may have been some instances of lighter punishment, though I do not know it.

Question. Are there counties in the State besides those I have mentioned, namely, Orange, Alamance, Chatham, and Caswell, in which you have derived information as to the existence and operation of this secret Ku-Klux organization?

Answer. I have heard of violence in the counties of Greaz, Jones, and Lenoir; but that was shortly after the war; it has subsided. In the county of Jones a sheriff was

assassinated. He was a northern man, who went there after the war; I think he was a soldier. They have never found out who murdered him.

Question. Living in a county, as you say, undisturbed by these disorders, what has been the impression produced upon your mind, upon reading the public journals, as to the attitude which the parties take in the counties where the disorders exist?

Answer. I do not think there have been organizations embracing any respectable part of the population. I think they have been such disorders as are apt to occur after a war, the soldiers having been accustomed to habits of roving about and leading a wild life.

Question. I will put the question in another form. From your standpoint and view, being, as you say, an attentive reader of the public journals, have the disorders in those counties in which they have occurred been excused or palliated by either political party? If so, state by which one they have been palliated or excused; or, if they have been denounced by either party, state by which one they have been denounced.

Answer. Well, sir, I think both parties have denounced outrages in their newspapers. Of course each denounces the outrages committed by the other party; we may take that for granted. For instance, there is a paper at Raleigh, called the Sentinel, edited by Mr. Turner. I look upon him as an honorable man, but rather a violent man in his sentiments, and I have sometimes thought he ought to have been a little more emphatic in denouncing these things; because, though he has denounced them habitually and condemned them, he always does it in this way: He would call upon Governor Holden to dissolve the leagues, and would call upon the king of the Ku-Klux, as they call him, whoever he might be, to dissolve their combinations. I have generally seen that sentiment in his paper, and I have seen it in the papers on both sides.

Question. You speak now as to the expression of sentiment in the press; how is it in private conversation in regard to denouncing these outrages? what has been the distinction between the parties, if any?

Answer. Well, sir, I think it was about this way: When an outrage was committed by one party, it was more strongly denounced by the other, and a little palliated and explained away perhaps by the party offending, if not justified, or some excuse rendered.

Question. Do you know of any other organization existing in the State which has, as an organization, committed outrages of the character you have mentioned, called Ku-Klux?

Answer. I do not. The Union Leagues are now and have been almost entirely in the hands of the colored people. They were organized just after the war. It has been charged that they have mobbed negroes for voting the conservative ticket. In fact I believe there are some well-attested cases of that sort. There was one in Warren County. I do not know whether it was a league procedure or simply a spontaneous and momentary feeling, with no serious results.

Question. Have you been a member of any secret organization?

Answer. I was a member of the Union League in Washington, but I went only once or twice.

Question. Can you give us the obligation of the order?

Answer. There was nothing inconsistent with what was honorable in the Union League organization.

By Mr. BAYARD:

Question. Was part of the oath pledging secrecy in regard to their affairs?

Answer. O, yes, sir.

By the CHAIRMAN:

Question. Can you give us the oath itself?

Answer. No, sir; and I would not undertake to do it on any consideration if I could remember it. I speak of it simply as a secret organization which I attended once or twice. I had no fancy for the thing, particularly after the war, when there ceased to be any sort of necessity for it, or simply a party necessity. I never had anything more to do with it. I will tell you another thing: There was a little secret organization formed in North Carolina by some of the Union people, mostly, I should say, ignorant people, during the war. One of them came here during the war and initiated Mr. Lincoln, so he told me, and General Grant. He initiated me and Professor Hedrick, and Mr. Barrett, Commissioner of Pensions, but I never attended the meetings.

Question. What was that called?

Answer. They called themselves the Heroes of America.

Question. Who was the man who initiated you?

Answer. His name is J. L. Johnson.

Question. Where does he live?

Answer. In Forsyth County, North Carolina; I could not give his post office address.

Question. Is there anything in the obligation of the order with which you have been

connected which would interfere with your duties to your fellow-men, or to your country, if you were on a jury or on the stand as a witness?

Answer. Nothing in the world; if there had been I should have scorned to take it at once. I would scorn to take such an obligation. I will say this, that in 1855 or 1856, I was invited to meet this association, called the Heroes of America, in Raleigh. It was about the time they began to talk about forming a republican party in North Carolina. I have always been a member of that party; I was one of the first to form an association in Washington City in 1854 or 1855; I was connected with the National Era here. I was invited to meet the Heroes of America in an old building called the governor's palace, then a sort of outhouse not much used except by the military. I had forgotten how to get in, and, I suppose, somebody introduced me. I at once told them that the war being over, I must decline any further connection with the association. I did not see any necessity for it, and did not wish to perpetuate it simply as a political engine, and so I withdrew.

Question. Do you know of anything in the designs or proceedings of the league in North Carolina which leads to the commission of violence by any of its members, or with its countenance?

Answer. No, sir, I do not. If there is anything of the sort, it has been added since the war. I think I have seen some statement that something of the kind has been added, but it was not in the original obligation.

Question. Have you attended their meetings in North Carolina?

Answer. Never except once, when I went to the meeting of the Heroes of America, and withdrew, as I have already stated.

Question. From your knowledge of the condition of the colored people, and the sentiment that prevails toward them, in the counties of Orange, Alamance, Caswell, and others to which I have referred, do you believe that they are secure there, in person and property, from the wrongs committed by the Ku-Klux organization?

Answer. I suppose they were not at that time. Neither do I know how safe the white people were there from outrages perpetrated by the negroes, for there have been several cases reported of house-burning, and I suppose those Ku-Klux operations have been somewhat retaliatory. That is the way I hear it.

Question. When offenses have been committed by the negroes, of the character of which you speak, have they ordinarily been arrested and tried in court?

Answer. I mentioned the case of one or two being hanged.

Question. Ordinarily is there any difficulty in arresting them and trying them by criminal proceedings in court?

Answer. I do not know; they have been arrested, tried, and punished frequently, I know.

Question. Have you had the benefit of comparing your views with those of witnesses who have testified here, for the purpose of making them harmonize?

Answer. No, sir; only Mr. Moore showed me what he said. I do not now remember what he did testify to us to facts.

By Mr. BAYARD:

Question. Were your views or recollections of the events and occurrences in North Carolina, and your testimony as now given in respect to them, modified or changed in any degree by what you read of Mr. Moore's testimony?

Answer. No, sir, not as to facts. I do not know but what he modified my views of the constitutional question in regard to calling a convention. In fact, I may state that he did, because my impression had been decidedly against the constitutionality of the mode of calling a convention by less than a two-thirds vote.

[The chairman here stated that he introduced this question simply for the purpose of carrying out the understanding of the committee that no witness must be permitted to take his testimony from the room. He meant no reflection on any one.]

Question. Will you please state what positions you have held at various times under the United States Government during the war?

Answer. In 1862 I was appointed on the commission to pay the people of the District of Columbia for their emancipated slaves, and after the death of Mr. Vinton, who was first appointed, I acted as chairman of the commission.

Question. You were appointed by President Lincoln?

Answer. Yes, sir.

Question. Were you an adherent to the republican party?

Answer. I was.

Question. Had you connection with it up to and after the end of the war?

Answer. Yes, sir.

Question. Did you vote for General Grant?

Answer. Yes, sir. I voted under some protest as to some persons on the State electoral ticket. I struck off four names and retained five. Some of these I was not satisfied with, but as a choice of evils I voted for them.

Question. That was a question of the personal character of the candidates?

Answer. Yes, sir; I had no enthusiasm for the ticket. I acted independently. I held office at that time.

Question. What was your office at that time?

Answer. United States marshal for the district of North Carolina.

Question. How long were you connected with the National Era?

Answer. The paper was started by Dr. Bailey in 1847, and continued to be published till some time in the spring of 1860. I was not regularly employed on it till the latter part of that period. I was a frequent contributor from the beginning. The first numbers he published contained a long essay of mine.

Question. That was quite a distinguished anti-slavery paper?

Answer. It was so considered—perhaps the foremost one in America. In 1858, Dr. Bailey employed me to take charge of the paper while he went to Europe. He died on the passage, and I continued to conduct the paper.

Question. In what capacity did you go to North Carolina after the war?

Answer. As marshal of the State.

Question. How long did you act as marshal?

Answer. I was appointed in September or October, 1865, and I remained there till April, 1869, when I was displaced.

Question. Did you, while there, employ deputies in different parts of the State?

Answer. Yes, sir, many.

Question. Did you have any difficulty in the execution of the processes of your courts, the service of writs, and the arrest of individuals, where that was required?

Answer. I do not think there was over any serious difficulty in executing process. In one instance I was interfered with by General Slickes; I reported the case to Washington and was sustained, and he was recalled. I directed my deputy not to yield, except at the point of the bayonet.

Question. Did you and your deputies find full and perfect security against personal violence in that State?

Answer. I never heard of but one exception, and that was where an old deputy was a little afraid to arrest the whiskey distillers in the mountains who violated the laws, but a young man that I employed did execute the process.

Question. Do you recollect the name of the young man?

Answer. It was Neer; I forget his first name; he lives in Burke County.

Question. Was R. T. Boshier one of your deputies?

Answer. I had a great many men who were specially deputed to execute single processes, and I do not remember that name. There might have been such a name.

Question. Are you aware or do you believe that there exists anything like an organized hostility to the Government of the United States, its permanence, and its authority, in the State of North Carolina?

Answer. No, sir; I do not think from what I have heard of these Ku-Klux—or whatever they call themselves—they are something like the Know Nothings, so called by outsiders, while that was not their real name—I do not think the developments show, in fact they do not prove, that they have any plans or purposes hostile to the Government of the United States, but their object being only to promote party ends; and that the violence was a sort of incidental thing growing out of the collision between the two parties.

Question. You believe the cases of violence by disguised men have been the acts of individuals banded together for the purpose of retaliation one upon another?

Answer. I do not know how far it is simply retaliatory. In some instances they may have gone beyond that.

Question. It is but an expression of opinion?

Answer. Yes, sir.

Question. You have spoken of a secret order called the Heroes of America, into which you and gentlemen you have named were inducted?

Answer. Yes, sir; simply that we might hear the secret news from the South in favor of the United States Government.

Question. You say an attempt was made to continue it after the war, and that, finding that to be the case, you attended one meeting and withdrew?

Answer. Yes, sir.

Question. Have you any knowledge of the continuance of the order there as a political organization simply?

Answer. I have this evidence of it, that the old members of it spoke of it and asked me to come in.

Question. Had that order the usual secret passwords and signs of such societies?

Answer. Yes, sir.

Question. In regard to the Union League, you never attended it after the war?

Answer. No, sir, I did not attend it to the conclusion of the war; I dropped off; got tired of it; it was a bore to me.

Question. That was a secret society?

Answer. Yes, sir.

Question. Had it passwords and signs?

Answer. Yes, sir.

Question. When you went into North Carolina, tell us about the organization of the Union Leagues among the colored people.

Answer. I only know from hearsay. It is the general understanding, and not denied that for a long time Governor Holden was at the head of it and was very active in organizing it.

Question. That, you say, is the general public belief?

Answer. O, yes, sir; it is not denied. I understand now that he has withdrawn from it, as its chief.

Question. Have the colored people by this means been brought into unity of political sentiment?

Answer. It is so regarded, and they do vote with great unanimity. A few have broken away from them—perhaps never joined them. In Warren County the negroes are in the proportion of two and one-half to one of whites. They elect three members of the legislature, and the whites none. They have the good sense to elect white magistrates, because it requires reading and writing for those offices. They elect two school committee men of their own color, and one white man, as a general rule, throughout the county. I am chairman and acting secretary of the school committee of the ninth township. My two associates are colored men. One of them cannot read and write; the other can read a little and sign his name, but I do the writing at his request.

Question. What is the duty of these school committees?

Answer. To employ teachers, see to the repairs of the school-house, take an enumeration of the children in the district, and all that sort of thing.

Question. Are your schools numerously attended?

Answer. The colored schools are very well attended.

Question. Are your schools mixed?

Answer. No, sir; the law requires that the races shall be separate in schools. It was passed by the radical legislature. There is a prohibition against mixed schools. In my district we have had generally two colored schools and one white—poorly organized, not having money enough to pay teachers, &c.

Question. Who were elected to the legislature from your district or county?

Answer. John Hyman was elected senator—a yellow man, about thirty-three years of age, who takes the name of his former master. He can read a little, and perhaps write.

Question. Are you sure he can write?

Answer. No, sir. I should think, perhaps, he can; not much, however. One day when I was without my glasses, I asked him to read the news at the depot, and he got along tolerably well by spelling a little.

Question. What was it; a newspaper?

Answer. Yes, sir.

Question. And he read with difficulty?

Answer. With some difficulty.

Question. Can he read manuscript?

Answer. I do not know whether he can or not.

Question. Who were the other members elected to the legislature?

Answer. William Cawthorn, to the house of representatives. He takes his old master's name. He is a man of a great deal more education, and is a very amiable person.

Question. What are his accomplishments?

Answer. He can read and write, as I know. He has written no letters several times. He writes a very decent letter. He has taught a colored school; I went to see it once or twice before he was elected to the legislature, and I thought he was a very excellent teacher for young children. He made them thoroughly understand everything. He taught spelling, reading, and the rudiments of arithmetic, I believe.

Question. Who was the other member?

Answer. A man by the name of Falkner.

Question. A colored man also?

Answer. Yes, sir.

Question. Can he read and write?

Answer. I think he cannot; that is my impression.

Question. How long did Mr. Cawthorn teach the colored school?

Answer. He began, I think, about 1865 or 1866, and continued perhaps until he was elected to the legislature.

Question. Is he in the present legislature?

Answer. Yes, sir, and was in the last.

Question. Did you ever know of any disturbance of this man Cawthorn as teacher of the colored school?

Answer. Not at all.

Question. Are there other colored schools than his there?

Answer. Yes, sir; there are two northern ladies, who for three years, I think, have been teaching a very large public school in Waukesha; they commenced before the common school system began, and I think they have done a great deal of good.

Question. Have they been treated with civility and kindness by the people?

Answer. Well, sir, as to kindness I could not say, but they have never been treated otherwise than respectfully.

Question. Have they ever been interfered with in person or in property?

Answer. Not in the slightest degree; I think they would have been treated with more kindness, that is, that people would have called upon them, had they not lived at the house of a colored man; I believe they occupy a part of the house.

Question. That prevented the social intercourse which you think otherwise would have occurred?

Answer. Yes, sir; I heard the mayor of the town say a week or two ago, when I spoke of these ladies making great sacrifices in teaching the colored people, and when I remarked that they must be either very good or very bad women, I heard the mayor say that they were excellent women.

Question. To what political party is the mayor attached?

Answer. He is a conservative. He said these were Quaker ladies and very excellent persons.

Question. Do you know of any disposition on the part of the people of that State to break up the educational system of the colored people throughout the State?

Answer. No, sir, not at all; there may be individuals who feel that way in their hearts, but the public sentiment is all in favor of the education of the colored people; I do not think any newspaper would be countenanced that took ground against it.

Question. Your own sentiments are of friendship toward the colored people?

Answer. Yes, sir.

Question. You desire to see them elevated?

Answer. Yes, sir.

Question. Are they aware of this feeling on your part generally?

Answer. I think so, wherever they have heard of me.

Question. Do they consult or talk with you in a friendly manner in respect to their interest and condition?

Answer. Yes, sir, they do in everything to promote their welfare. Politically they do not affiliate so much with me, because I do not follow the lead of Governor Holden. I think they have a great deal of confidence in me personally, but they stick to the party.

Question. Have you had any complaints made to you by the colored men of their want of security in their homes or in their property in the State of North Carolina?

Answer. No, sir, not at all. I do not know them in those districts to which I suppose you refer.

Question. You may speak of what has come to your knowledge.

Answer. They are as secure in Warren County as any people in the world; the fact is, they have all the power.

Question. Have you any recollection of Governor Holden pardoning offenders who have been convicted of crimes of violence against person and property?

Answer. Yes, sir, he has done that; I could not point out the cases now, but I know it was done, and knew it at the time.

Question. Notorious offenders?

Answer. Yes, sir; and I remember the other day, just before I left North Carolina, of an instance of the colored population mobbing a colored man for voting, or wishing to vote, the conservative ticket; they beat him terribly, I believe; I do not know the particulars; at any rate they were sentenced to the penitentiary, and Governor Holden pardoned the parties who perpetrated the outrage on him.

Question. Did that create a sense of insecurity for other colored men who might desire to vote that way?

Answer. That would necessarily be the effect, but I do not know how far they knew the fact, or how far it had that effect.

Question. You have been connected with the public press of the country and are a literary man in your taste. Are you in the habit now of keeping yourself up with the current news?

Answer. Yes, sir, as well as I can in the country; I take the New York Weekly Tribune and read other papers.

Question. In your judgment, taking the reports of northern papers and the condition of affairs in North Carolina, do you consider that homicides and cases of violence to person and property are more frequent, proportionately to their population, in North Carolina than they are in the State of New York or other Northern States?

Answer. No, sir; I do not think we have as many murders, in proportion to population, as they have in New York. The Tribune said, some time ago, that there were more murders in one or two congressional districts in that city than there are in the whole State of North Carolina, and I think the editor is pretty near right about it.

232 CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

Question. So far as you can judge, as a general reader, do you consider that the peace and good order of your State will compare equally favorably with that of other States in the northern country?

Answer. I do; I think people there are as quiet and orderly as anywhere else. Of course there are some exceptions; those exceptions embrace five or six counties out of ninety; but I should feel a great deal safer even in those counties than I would at the Five Points.

Question. What was the debt of North Carolina at the close of the war?

Answer. The principal was about \$14,000,000, and the accumulated interest amounts to perhaps \$4,000,000 more.

Question. What has that debt been swollen to?

Answer. The legislature, and I think the convention, to some extent, appropriated about \$25,000,000, but some of the appropriations were made in violation of the constitution and have been declared null by the supreme court; those amount to about \$12,500,000. The constitution provided that no new internal improvements should be begun without submitting the question to the people; I think they attempted to avoid that provision of the constitution in some way by continuing old lines.

Question. And certain issues of bonds were avoided by your courts as unconstitutional?

Answer. Yes, sir.

Question. The remainder of the debt which was not avoided, what became of that?

Answer. The money has been nearly all squandered.

Question. Was it judiciously and honestly spent for the benefit of the State?

Answer. No, sir; it has been very dishonestly spent.

Question. Who obtained this benefit?

Answer. Well, sir, a set of swindlers, native and foreign born, who ought to be in the penitentiary for the balance of their natural lives. One Littlefield, or General Littlefield—

Question. Where does he hail from?

Answer. He is a remarkably fine-looking man, one of the most elegant men I ever saw. He told me that he resided at Germantown, Pennsylvania. He also spoke of having lived in Illinois. He was in the Army. I understood the other day, from a member of the committee, that he was about to be cashiered and put in prison for dishonorable conduct during the war. I am sorry we did not know it in time, we might have saved some millions of the public money. He has been a great engineer of these operations.

Question. Through whom did he chiefly act in these frauds?

Answer. He became the friend of Governor Holden.

Question. Was he an intimate friend of Governor Holden?

Answer. Yes, sir; he bought out Governor Holden's paper, the Standard, built a very elegant printing-house, bought material and paper, and went on with a great flourish.

Question. Is Joseph W. Holden, the son of the governor, connected with it?

Answer. He was for a time.

Question. Was it bought out for a fair price?

Answer. I do not know about that; a great many doubted whether Governor Holden made a bona fide sale. I think it was sold for about \$20,000, and I believe it was a bona fide transaction.

Question. Could General Littlefield have accomplished these frauds on the State credit without the aid of Governor Holden?

Answer. No, sir, he could not.

Question. Was it generally understood by the people that Governor Holden was in some way privy to the squandering of the State credit?

Answer. A great many thought he was a party to it in a pecuniary sense; but I have never seen any evidence that he made any money by it, personally. I think it was his political ambition which prompted him to accept of the support of any man without reference to his character. I think that was his characteristic. I do not think he asked a question about a man's private character.

Question. Was there ever an investigation by the legislature of these frauds?

Answer. There have been two or three investigations attempted.

Question. Did they trace the possession of them to different parties?

Answer. I could not exactly say what the report was, but the fact was that through Governor Holden's instrumentality Littlefield was made president of one of the principal railroad corporations, and I do not know how many millions went into his hands. Then a man named Swepson, a native of the State of Virginia, but who for many years lived in North Carolina, is another financier of that sort.

Question. In that same ring?

Answer. Yes, sir.

Question. Who were the directors in this road, as far as to be interested in it?

Answer. I do not know who they were; I don't remember the names.

Question. You are not aware to whose possession these bonds were traced, or who proved to have received some of them for private use?

Answer. I could not say much about it; but Swepson and Littlefield were the recipients in a large measure. Dr. Sloan had something to do with it, was made president of the road, and Andrew Jackson Jones also had something to do with it; with others.

Question. Did all these men grow rich out of the transaction?

Answer. Swepson was said to be almost a millionaire before he began it. They say now he is bankrupt. As to Littlefield, nobody has been able to know whether he was worth anything when he came there or not.

Question. Was Tim Lee, of Wake County, understood to be in it?

Answer. I know this about Tim Lee's connection with the bonds: There was an injunction case got up, and it was looked upon as a fraudulent case, made up by both parties. That is the way public sentiment regards it. It has been printed and exposed in a report to the legislature, which is much more accurate than my recollection about it. He got, I think, \$10,000 of the bonds for some trifling service—putting somebody in communication with somebody else.

Question. You say both parties; you mean it was gotten up inside of this railroad ring?

Answer. Not political parties. I mean the pros and cons in the injunction suit. It was understood to be a ring proceeding.

Question. A sham proceeding?

Answer. Yes, sir; in order to get hold of a large amount of money.

Question. Did this lavish issue of bonds and swelling of the State debt produce throughout the State apprehensions of State insolvency?

Answer. Certainly; it is looked upon as an accomplished fact now.

Question. Was that apprehension very widespread?

Answer. It is so now.

Question. Was it so before the elections?

Answer. Yes, sir; the people despaired of the credit of the State a year or two ago.

Question. Is that common to all property-holders in the State?

Answer. I think that is the general sentiment. I would not give ten cents on the dollar for the new State bonds, because I do not believe the people intend to pay them.

Question. Was that the real issue in the last political canvass—the question of extravagance on one side and proposed economy on the other?

Answer. That was one of the great issues. There were other issues besides. One was the general profligacy and corruption of Holden's radical administration—I call it radical, not republican. Another was the tyranny of his administration; it has been very arbitrary in many respects.

Question. Do you know anything of Holden's language or conduct tending to show his intention to retain political control of the State irrespective of the wishes of its people?

Answer. Well, I cannot say that I know that he has made any avowal of his disposition to hold power in disregard of the will of the people. I do not know that he has undertaken to declare publicly—whatever he may think—that he will hold on to power in violation of the will of the people after they have expressed it. I do not know that I comprehend your question.

Question. I speak of his proclamation of military law in certain counties in that State; was there, in your opinion, a condition of affairs of those counties to justify his act?

Answer. I do not think so. I think there could have been a fairer election if it had gone on without it than with it. I think it might have been necessary to have some little vigilance if there was any danger of violence. It would have been very well to have had some police or even some militia there; but the effect of his declaring the counties in insurrection was to prevent a full vote, as is shown by comparing the vote then with the votes before and afterwards. There were some hundreds who did not vote.

Question. Did this dissatisfaction with Governor Holden's course, both in finances and other things, extend to many gentlemen who had formerly acted with the republican party?

Answer. I think it has been a great deal condemned by those who formerly adhered to him.

Question. What portion, do you suppose, of the property of North Carolina is owned by the colored people—what fraction?

Answer. It is so small you could hardly estimate it. In riding over the counties that I am most familiar with, on the railroads and highways, you will see a great many new cabins with a little clearing around them. I think in most cases they are renters, however.

By the CHAIRMAN:

Question. What proportion would they own, if they had their own earnings, in North Carolina?

Answer. I think they would have it nearly all—half, at least—because they are half the laboring population.

By Mr. BAYARD:

Question. What quantity would be owned by the working people of every ship-yard and factory in the North, if they had their own earnings?

Answer. I think it would be about the same way. You know a large majority of the people of North Carolina are whites.

Question. You consider the amount of property taxable belonging to the colored people is comparatively trivial?

Answer. Yes, sir; it hardly amounts to anything.

Question. Your juries in North Carolina are mixed, are they not?

Answer. Yes, sir.

Question. In your county?

Answer. Yes, sir.

Question. Which preponderates in your county, the colored or white population?

Answer. There are more than two colored people to one white.

Question. What proportion of colored jurors can read or write?

Answer. Unless they pick them out, there would not be one in a hundred, or one in fifty. The rising generation is learning to read, but the old people do not read and write.

Question. Did you ever hear of Colonel Kirk before he came to North Carolina?

Answer. I may have heard of him during the war. It seemed to me when his name came up that it was not unfamiliar to me.

Question. What was his common reputation when he was sent in that country by Governor Holden?

Answer. I have heard since that it was just as bad as it could be; that he had committed some murders. I remember the statement that he had shot down some young men that were begging for their lives.

Question. Where was that?

Answer. In some one of the western counties—perhaps in Madison county.

Question. Was that during the war?

Answer. I think it was.

Question. Do you know if he was engaged on both sides in the war?

Answer. I don't know about that. It seems to me I hear of so, or that Bergen was; I am not sure about it.

Question. Did Kirk's presence and character in that county terrorize the people?

Answer. I suppose it did; I have no doubt it did, because he was looked upon as a cruel monster.

Question. Do you know any more of his conduct than is published in these habeas corpus cases?

Answer. No, sir, nothing more than what is printed; I read it at the time.

By the CHAIRMAN:

Question. You know nothing of his conduct personally?

Answer. No, sir.

Question. Do you know that those who did know him stated that they never knew anything against his character as a citizen until he became an officer in the Union Army?

Answer. I never heard what they said.

Question. Then you only know what certain persons said who were arrested by him?

Answer. What was said in the newspapers about his character; his character was generally denounced as that of a desperado and villain.

Question. What class of newspapers?

Answer. Of course the conservative.

Question. The democratic papers denounced him?

Answer. Yes, sir.

Question. Have you read the testimony of Mr. Reeves, formerly of Tennessee, on the impeachment trial in regard to Kirk's character?

Answer. No, sir; I have seen but very little of the proceedings on that trial; they publish but very little in the newspapers.

Question. The character you speak of you learned from the democratic newspapers?

Answer. Yes, sir; they have scarcely any other newspapers there now.

Question. I understood you to say that the population of Warren is two-thirds colored?

Answer. Yes, sir, a little more than two-thirds.

Question. How is the white population divided politically?

Answer. They are nearly all of one party.

Question. Which?

Answer. Conservatively.

Question. The colored people are all on the other side?

Answer. Yes, sir, though there are quite a number of colored people who are conservatives; they had a candidate last year by the name of Ransom, a well-educated man for one of his race; he received about 600 white votes.

Question. You say two-thirds of the population is colored, and you have already stated that they belong to the Union League?

Answer. So I understood; I do not know that.

Question. Has there been an instance of violence on the part of the colored population toward the conservative voters in that county, that you know of?

Answer. Only the one I referred to, and that did not amount to much.

Question. What was that?

Answer. In Warrenton, the county seat, a conservative colored man—

Question. Was that an instance of an attack upon a conservative negro by the other negroes?

Answer. Yes, sir; I think they were about to mob him; I did not happen to be there, and the white people rallied to his support.

Question. Have there been any instances of whipping or murder committed by the negroes upon conservative people?

Answer. Not an instance; the fact is, there is a good state of feeling between the blacks and the whites, as is evidenced by the fact that they voluntarily elected nearly all their magistrates from the conservative white people; they elected a conservative sheriff, register of deeds, and county clerk; I do not know but some of these officers since the election—not the sheriff, but the others—are beginning to sympathize with the radicals to some extent, but their sympathy is of a mild type.

Question. What is the state of things in the adjoining county, Granville; is there a majority of the colored population there also?

Answer. About equally divided.

Question. Which party is in the ascendancy?

Answer. The radicals have a small majority as a general rule; the most popular conservative man in the State, who was elected to Congress and died, Judge Gilliam, was beaten 250 votes in that county.

Question. In Franklin County how is it?

Answer. Very nearly equally divided.

Question. Which has the ascendancy?

Answer. The radicals have it there.

Question. In these three counties, Warren, Granville, and Franklin, where the negroes preponderate and the republican party has the ascendancy, you say there has been no instance of assassination or violence by the Union League, that you know of, or by the colored people?

Answer. No, sir; not by the colored people. There was one instance in Granville, that I heard of, of a negro who was said to have had his ears cut off. I have heard that the fellow who cut them off has turned radical since.

By Mr. BAYARD:

Question. What did he do it for?

Answer. I do not know what the offense was.

By the CHAIRMAN:

Question. I understand you are now in opposition to Governor Holden and his party?

Answer. Decidedly.

Question. And you go with the conservative party?

Answer. I voted the conservative ticket for Congress and State officers at the elections last year. I simply voted for those gentlemen who did not entirely agree with me in opinion because I looked upon them as more fit to represent the district than those put up by the opposite party. They were high-toned gentlemen. I had to choose between them and such men as Dewees, who was turned out of Congress.

Question. In regard to the railroad appropriations, was there a party question either in its inception or in the abuse that was made of the use of the bonds?

Answer. It was not entirely a party question, because a great many conservatives on the lines of the roads were deeply interested in them; but the political responsibility was with the radicals, because they had almost nine-tenths of the members of the legislature, or, at any rate, four-fifths.

Question. Did it become a party question until after this squandering of the bonds and the charges against Governor Holden of incompetency in discharging his trust?

Answer. Yes, sir. The people as a general rule condemned them, and a great many republicans did.

Question. You misapprehend my question. Did it become a party question until after the bonds were squandered and the charges brought against Governor Holden of incompetency?

Answer. Yes, sir; it became to a certain extent a party question when the laws were being enacted authorizing the issue of the bonds.

Question. Who were the persons, in public estimation, joined with General Littlefield in this dishonest use of the public securities?

Answer. A good many members of the legislature were understood to be in the ring, as they call it. Littlefield and Swepson were the two prominent men.

Question. Was General Clingman among them?

Answer. I have heard his name connected with them in this way. I know he had something to do as director, and I have seen charges made against him in the Sentinel, but I do not know anything to his prejudice. I know he wrote a pamphlet on the subject last year.

Question. Have these questions of prudence in the management or issuing of bonds in any case affected the public peace? Has disorder or violence arisen from it?

Answer. No, sir, I do not know that it has, except it be a sort of recklessness which it was calculated to produce.

Question. Did personal violence result in any case from the feeling engendered from that party contest?

Answer. No, sir. I know of one instance that occurred recently, where Mr. Turner, the editor of the Sentinel, had made frequent offensive allusions to General Clingman in connection with the matter and his connection with the "ring," I think he called it. He ridiculed him a great deal, too, in one way and another, and one day near the capital they had an altercation.

Question. That was a personal altercation?

Answer. Yes, sir.

Question. My question was, did the agitation of that question organize or create violence on one side or the other?

Answer. O, no, sir.

WASHINGTON, D. C., February 18, 1871.

JOSEPH H. WILSON sworn and examined.

By the CHAIRMAN:

Question. Where do you live?

Answer. In Charlotte, Mecklenburg County, North Carolina.

Question. How long have you resided in the State?

Answer. I am a native of the county, and have been residing in Charlotte since 1850.

Question. What is your occupation?

Answer. That of the law.

Question. In what part of the State do you practice?

Answer. In the southwestern part, where I reside—in the counties of Mecklenburg, Union, Cabarrus, Rowan, and Gaston—in the Federal court and supreme court of the State.

Question. From the intercourse you have had with the people, and your means of observation in those counties, give us your belief as to the security of person and property existing in those counties.

Answer. There have been disorders in those counties, crimes and misdemeanors. I must state, however, that they have been in the main committed by persons of color.

Question. Give us, as briefly as you can, your views of the condition of society there as affecting the security of person and property.

Answer. I think it is good, with the exception of thieveries that are committed. Good order prevails, with the exception of those violations of the criminal law consistent with larcenous manly and occasional homicides.

Question. Where injuries of this kind have been inflicted, has there been any difficulty in bringing the offenders to justice through the medium of your civil tribunals?

Answer. None whatever.

Question. Have the perpetrators been arrested?

Answer. They have.

Question. And brought to trial?

Answer. As a general thing they have.

Question. Been convicted in any instances?

Answer. Yes, sir.

Question. In the counties you have named, have there been any of the outrages popularly known as Ku-Klux outrages?

Answer. None, sir.

Question. What is the political character of those counties?

Answer. The county in which I reside is, as is now termed, democratic; gives a democratic majority. In the county of Union, the majority two years ago was republican; at the last election it was democratic. The county of Cabarrus has been democratic since the reconstruction acts. Gaston County was republican up to the last election. Rowan County has been democratic.

Question. Those are all the counties in which you practice?

Answer. Yes, sir.

Question. What is the proportion of the whites to the colored population in those counties?

Answer. I cannot give the statistics with certainty. In Mecklenburg County, in which I reside, we have a large colored population, and the difference at the polls is about two hundred. That is a pretty good criterion of the proportion between the two classes.

Question. Has your professional practice brought you into general intercourse with the people in those counties?

Answer. Yes, sir.

Question. You think there is a sense of security there for person and property, and that where wrongs are suffered adequate remedy can be had in the courts?

Answer. Yes, sir, and justice administered.

Question. Does that apply to both white and colored people?

Answer. To both, sir.

Question. So far as you know, I understand you to say, there have been no operations of what is known as Ku-Klux in any of those counties?

Answer. With the exception of one instance in the county of Rowan, which was brought to my attention by being employed professionally by a party charged with participating in an organization of that kind, and with committing an outrage under that organization, to defend him. With that exception I know of no instances at all within the limits of those counties of any exhibitions of Ku-Klux organizations.

Question. Was that cause brought to trial?

Answer. It has not been brought to trial yet; in fact it was only sent to the last court.

Question. When was the offense alleged to have been committed?

Answer. Last spring—1870.

Question. What was the character of the offense—not the details?

Answer. It was an alleged raid made upon a man who kept a groggery at a station on the North Carolina railroad, who had insulted a female.

Question. A raid made by men in disguise?

Answer. Yes, sir, in disguise.

Question. All you know about it is from your relation as counsel?

Answer. Professionally.

Question. It would not be right to ask you to disclose what the party did, he being your client?

Answer. Well, sir, I could only state, then, that he denies.

By Mr. BLAIR:

Question. In the election, in August last, was the main question at issue in regard to the great extravagance and profligacy of Governor Holden's administration in omitting the bonds of the State?

Answer. Certainly it was that, and the tyrannical executive department of the government.

Question. Was there much excitement over this matter of squandering the means of the State?

Answer. There was great complaint on the part of our people.

Question. Were the people apprehensive that the State would be brought to bankruptcy?

Answer. Yes, sir, bankruptcy and ruin.

Question. It spread general alarm among the property owners?

Answer. Yes, sir; they were shocked at what they believed to be the dishonesty of the officials in conjunction with the rings that had been formed for the purpose of plundering the State.

Question. Were those rings very successful in plundering the State?

Answer. That is the general belief. One of the men has been arrested and bound over to answer the charge in a very large sum, and a public reward has been offered by our present government for the arrest of another alleged defaulter, General Littlefield.

Question. Did many of those who had formerly acted with the republican or radical party abandon it on account of these apprehended difficulties?

Answer. I think so. That was not the sole cause, in my view, which brought about the political change in the State. In addition to what I have stated, to wit, the complaint of the tyranny of Governor Holden, in conjunction with the plundering of the people of the State by the immense issue of State bonds, which were not appropriated to the purpose for which the appropriations were made; in addition to that, our people have been dissatisfied with the operation of our present State constitution and the laws that had to be passed under that constitution. The present constitution subverted our former judicial system. In addition to that it required the legislature to make provision from year to year for the payment of the interest on the public debt of the State. Owing to this immense indebtedness that was incurred by our last legislature our people felt that they would be involved in ruin if that provision of the constitution should be carried into effect.

Question. Was the legislature that made this appropriation of the bonds of the State elected under the so-called reconstruction act, by which large numbers of the people of the State were disfranchised and were not permitted to vote?

Answer. The people were permitted to vote.

Question. Were they not disfranchised in large numbers at that election?

Answer. Not in voting; they were prohibited from being candidates or holding any office.

Question. Did not the reconstruction act itself prohibit any person who had participated in the rebellion from voting in that first election?

Answer. That does not occur to my recollection. I may be in error in regard to it.

By Mr. RICE:

Question. Those were disqualified from voting who were disqualified from holding office under the fourteenth amendment?

Answer. That is my recollection of it.

By Mr. BLAIR:

Question. Did that disqualification embrace a large number?

Answer. Yes, sir.

Question. And as that was applied to the voting population under the reconstruction act when this election was held, would not that have excluded a number of persons from suffrage?

Answer. Certainly, it applied to a very large number.

Question. From your knowledge of portions of North Carolina in which you reside and practice, and of other portions of the State, can you state whether or not the organization known as the Loyal League gave rise to this other organization to antagonise it?

Answer. Well, sir, I can only give my opinion about it. I know nothing about either of them, nothing at all.

By the CHAIRMAN:

Question. I understood you to say you did not know of any Ku-Klux organization?

Answer. I have no reason to believe that there is any. There has been no exhibition whatever of anything of the kind to my knowledge.

Question. With which party do you not politically yourself?

Answer. Well, sir, I cooperate with the democratic party when I think they do right. Before the war I was an old-line whig; though I must state to you that I never have engaged in politics. I confine myself to my profession. I have been in the legislature; was sent to it in 1865-'66 and in 1866-'67.

Question. Those rings of which you spoke, engaged in the railroad enterprises—were they composed of men of both parties?

Answer. I am inclined to think so; that both parties to some extent were involved. I give that simply as a matter of opinion.

Question. When that became an issue many of the republicans were dissatisfied with Governor Holden on that subject?

Answer. I think so, sir.

WASHINGTON, D. C., February 20, 1871.

THOMAS F. WILLEFORD sworn and examined.

By the CHAIRMAN:

Question. Where do you live?

Answer. In Cabarrus County, North Carolina.

Question. What is your occupation?

Answer. I am a carpenter.

Question. How long have you lived there?

Answer. I was born and raised in Cabarrus County; I moved away the first year after the war, but I have been back there over 12 months.

Question. When did you return?

Answer. I think it was a year ago in October last.

Question. Where were you during the war?

Answer. I was in Lee's army.

Question. Where were you after the war was over?

Answer. I lived in Lenoir County, in the eastern part of the State.

Question. Have you any knowledge of an organization commonly called the Ku-Klux in Lenoir County?

Answer. They had an organization there called the C. U. G.; the Union Guards. I believe they called them.

Question. Were you a member of that organization?

Answer. Yes, sir.

Question. What was its object, and how did it carry out its object?

Answer. Well, I believe it carried it out by all the meanness it could. The intention of it was, so the leading men told me, to overthrow the republican party and put the other party in power. That is the way the oath was administered to me.

Question. Have you a copy of the oath?

Answer. No, sir.

Question. Have you seen the oath that is published in the President's message?

Answer. Yes, sir; that is pretty much the same.

Question. Look at the oath as there given and say if that is the oath you took.

Answer. (Reads the oath.) That is pretty much the same oath.

By Mr. Nye:

Question. After you had taken this oath, state whether there was any explanation given us to what it meant.

Answer. Well, it meant the overthrow of the republican party and injure it all that they could, and have the other party come in power.

Question. State whether it was explained to you that it meant anything about the Constitution as it is, or as it was.

Answer. As it was.

Question. Both of the State and of the Union?

Answer. Yes, sir.

Question. How many belonged to that organization in that locality?

Answer. I reckon there was some three or four hundred in our camp.

Question. This was in what county?

Answer. Lenoir.

Question. Do you know whether such an organization exists in the adjoining counties?

Answer. Yes, sir; at our meetings there were members came from other counties.

Question. What county?

Answer. Jones County, just across the river.

Question. While you were a member of the order in Lenoir County, were any orders or decrees issued to be executed upon any person?

Answer. Yes, sir; there was several. We broke the jail open and whipped two or three black men. We brought two of our own men out of jail and liberated them, De Vaughn and Hines.

Question. And took out three black men and whipped them?

Answer. No, sir; we took them out of their private houses.

Question. Describe the manner in which you took De Vaughn and Hines out of jail.

Answer. Well, we met at Croome's still-house on Saturday evening, I think; and then we met again on Sunday evening; and then the plan was made that the men should take arms and go to Kingston, and if there was anybody that would rise on us, to fight 'em out. So we met at the bridge on the river. There was some 40 to 60 of us, and most of us had double-barrelled guns and pistols. We went from the bridge to the grave-yard and halted there awhile. Then we went down to the blacksmith-shop of an old man named Cox, near Kingston, and got a sledge hammer, and went from there to the jail. Some of us staid out some 12 or 15 yards as pickets, and the balance went and broke it open.

Question. Who procured the sledge-hammer?

Answer. Captain Harper.

Question. What was his captain of?

Answer. In the confederate army.

Question. Where does he live?

Answer. In Jones County.

Question. What is his business?

Answer. A farmer.

Question. Was there a man by the name of Monroe?

Answer. Yes, sir.

Question. Who is he?

Answer. He is a lawyer in Kingston now.

Question. How did you come to join this order?

Answer. I was going to Sunday-school, with my wife, to a place called Farm Valley, and Jeff Perry met me and persuaded me to go back to Kennedy's to get a drink of whisky. I told my wife to go on and I would go to Kennedy's. I went up there and met lawyer Monroe and a young man by the name of Hill. Then they told me their business, and asked me if I did not want to join a concern to put down these robberies. I told them yes; I was in for anything that would put down robbery. But when I got into it, it was still 'tother way; it was still making robberies worse, and I just quit it. They got after me for not coming to the meetings. I told them I wouldn't go any more; and they told the men that I either had got to go or risk the consequences.

Question. What order was this that you joined?

Answer. It was the C. U. O.

- Question.* Do you know what that means?
- Answer.* They always told me the Union Guards.
- Question.* The Constitutional Union Guards?
- Answer.* Yes, sir; they told me they wanted the Constitution as it was before the war broke out.
- Question.* Did they tell you what the object was?
- Answer.* Yes, sir; in the first meeting. I was initiated in Kennedy's barn.
- Question.* Did you take the oath?
- Answer.* Yes, sir; and then the next Saturday went to the meeting.
- Question.* What did they tell you, then, was the object of the organization?
- Answer.* They told me it was to damage the republican party as much as they could—burning, stealing, whipping niggers, and such things as that.
- Question.* Murder?
- Answer.* The leading men it was to murder,
- Question.* You have a neighbor living by you?
- Answer.* Yes, sir; Mr. Waters, within a hundred yards of me.
- Question.* Was he a republican?
- Answer.* Yes, sir.
- Question.* State whether you were ordered to do anything to him.
- Answer.* Yes, sir; we had a meeting to burn his barn and gin-house.
- Question.* Or cotton house?
- Answer.* Yes, sir; they gin cotton. I always liked Mr. Waters; he was like a father to me, and I told them it should not be done; if they did I would report it to the authorities. Then they let that go. The way it started, him and J. C. Kennedy fell out—some say had a fight.
- Question.* Were you sworn to keep the secrets of the order?
- Answer.* Yes, sir.
- Question.* And to obey the orders of your commander?
- Answer.* Yes, sir; we had to obey them just the same as you had to obey your commander in the army, every bit.
- Question.* What was the penalty, if you had any?
- Answer.* If we didn't obey them, they was to punish us some way, and if we divulged anything, they was to kill us.
- Question.* What was the name of the commander?
- Answer.* Jesse C. Kennedy.
- Question.* Do you recollect the names of any other officers of your clan?
- Answer.* Yes, sir; Lawyer Munroe, I think, was north commander, and Ash Do Vaughn, I think, was south.
- Question.* Was there a man by the name of Grelon west commander?
- Answer.* I think Tillou was our west.
- Question.* Do you know Grelon?
- Answer.* No, sir.
- Question.* Who was Henry Croom?
- Answer.* A distillery man.
- Question.* State about that distillery. What was the order to do about that?
- Answer.* It was to protect it, save his whisky, and, if there was any danger, to move the whisky and the still, and keep them from being taken.
- Question.* Was that a part of your duty?
- Answer.* Yes, sir.
- Question.* To prevent the officers from collecting any revenue?
- Answer.* Yes, sir; any way to work on the Government, no matter how.
- Question.* Any way to injure the Government, no matter how?
- Answer.* Yes, sir.
- Question.* Did you protect him?
- Answer.* We did.
- Question.* Was there a man by the name of Myers, a Government officer that came there?
- Answer.* Yes, sir; a detective; he came to Kinston. They was to kill him one night, but it rained—one Saturday night.
- Question.* State the facts.
- Answer.* I think there was five men to go on Saturday night and kill him.
- Question.* Were they detailed by the order?
- Answer.* Yes, sir; they were going to be detailed, but five men volunteered.
- Question.* Who were they?
- Answer.* One was Jim Perry, another was Ash Do Vaughn, and another was Hince. Munroe was one to get him out at one of these bad houses just on the river. Munroe said he had drank with Myers two or three times, and he could get him out; he would never think nothing of it, and then the other men was to go there and kill him and throw him into the river. But there was an awful rain come up that night, and they

didn't go. Perry saw me the next day or so, and said, "Tom, the cat-fish haint eat that fellow; it rained too hard."

Question. Is that the kind of fish that are found in the river there?

Answer. Yes, sir.

Question. Did Myers go away from Kinston then?

Answer. No, sir; he did not. He went backward and forward from Kinston to Newborn, and they couldn't get him off.

Question. You mean by that that they couldn't catch him?

Answer. No, sir; and then he caught some of them.

Question. What was done with them?

Answer. They were turned over to Judge Thomas, I believe, and I don't know what ever they did do with them.

Question. Did you ever hear that any of them were convicted?

Answer. No, sir; never did.

Question. Have you ever heard of a Ku-Klux being convicted of any offense there?

Answer. No, sir.

Question. Was there anything in the obligation you took, or the rules of the order, as to your being obliged to defend men by your oaths, or otherwise?

Answer. Yes, sir; if he could get you in as a witness, you had to swear him out, let you be swearing a lie or not. If you swore against him, why you might just as well be a-traveling at once.

Question. You mean by that you would be in danger of your life from the order?

Answer. Yes, sir.

Question. Anything about getting on the jury?

Answer. Yes, sir; if we could get on the jury we could save him, do what you please.

Question. No matter what the proof?

Answer. Yes, sir; you could not bring proof enough to convict.

Question. Were those who went out upon those errands to commit these outrages, bound to report to anybody on their return?

Answer. Yes, sir; they had to report to the chief what they had done.

Question. Did your camp receive communication with other camps in different parts of the country?

Answer. Yes, sir; we received, I think, from three different counties.

Question. Did you ever ascertain the number of this order in the State of North Carolina?

Answer. Our leader told us there was about 60,000; that is all I ever knew--just hearing him say one day in meeting that they was growing very fast, and had about 60,000.

Question. Was there more than one order?

Answer. Yes, sir; there were two orders.

Question. What was the other?

Answer. The White Brotherhood.

Question. Was that a higher order?

Answer. No, sir; that is about where it commences.

Question. Then this C. U. G. was a little higher?

Answer. Yes, sir; it was higher than the White Brotherhood.

Question. Was Kennedy, as your leader, in the habit of imparting to this White Brotherhood, when they met, such information as he received from other places?

Answer. O, yes, sir.

Question. Were there reported in your order murders and whippings from other portions of the country?

Answer. Well, I think there was two reports; one murder, and the other whipping nearly to death.

Question. Did you know yourself of seven men being taken from the jail and killed?

Answer. Yes, sir.

Question. Describe that.

Answer. We blacked a white man one night, and took him for a horse-thief to the jail.

Question. There was no arrest, was there?

Answer. No, sir.

Question. The whole thing was got up to deceive?

Answer. Yes, sir. They took him to the jail, and beat and cuffed him about; the jailer, thinking he was a black man, begged the boys to stop; so they quit beating him about, and after the jailer opened the door, the man that was blacked just shoved him right up into the corner and told him to keep his mouth shut; if he didn't, they would mash his head. Then they took out three niggers.

Question. Were you there?

Answer. Yes, sir; I was living right there in Kinston at the time, and I went past the jail, but they would not let me do anything; I didn't belong to the order at that time. They took the niggers out to the bridge, and whipped them.

By Mr. BAYARD:

Question. Do you know the name of the river?

Answer. I did know it just as well as I knew my own name; I fished in it many a time.

By Mr. NYE:

Question. What next occurred?

Answer. The next morning Jackson, who runs a shad seine below, caught two of the niggers at one drag.

Question. State what condition they were in.

Answer. One had his throat cut, the other shot through the head, and the other one had his throat cut and a rope tied to his neck.

Question. They were all found?

Answer. Yes, sir; the three that were taken out of jail when they pretended to put a horse-blief in.

Question. When was this?

Answer. About 1867 or 1868, I think.

Question. Who put these colored men into jail?

Answer. The civil authorities.

Question. What did the Ku-Klux kill them for?

Answer. For murdering Mrs. Miller and her husband.

Question. They had no trial?

Answer. No, sir.

By Mr. BAYARD:

Question. Were Mrs. Miller and her husband white people?

Answer. Yes, sir.

Question. Living in that county?

Answer. Yes, sir; on the other side of the river from Kinston.

By Mr. NYE:

Question. Was there any arrangement in this Ku-Klux Klan by which the wages of colored men were fixed?

Answer. Yes, sir; the men was to give a certain price, and no more.

Question. If any one gave more—

Answer. Why he was to have something done with him in some way; dealt with just whatever the camp said.

Question. Was there anything in the order that you should not work with negroes?

Answer. Yes, sir.

Question. No white man was to work with them?

Answer. No, sir; not at all.

Question. You have described one of your meetings. On the Sunday after did you have another meeting?

Answer. Yes, sir.

Question. Did they initiate any the next Sunday?

Answer. Yes, sir.

Question. Do you remember whom?

Answer. They initiated, I think, four; Joe Parrott and his brothers, and Joshua Suggs.

Question. Was that the meeting at which the case of Myers was noted upon?

Answer. Yes, sir; it was the meeting.

Question. What was the resolution of that meeting?

Answer. It was working with Myers and Colgrove both.

Question. Who was Colgrove?

Answer. He was sheriff of Jones County.

Question. Was he afterward killed?

Answer. Yes, sir.

Question. Describe how?

Answer. Shot with a double-barrel shot gun.

Question. Where?

Answer. In his own county. He was going home to a trial that day and was shot on the way.

Question. Who shot him?

Answer. Well, I can't tell you who shot him. Some of our boys was to go, but I do not know whether they ever went or not.

Question. Was it determined upon that he should be killed?

Answer. Yes, sir; it was determined that provided the county would call on our camp for help they should have it.

Question. And kill the sheriff of Jones County?

Answer. Yes, sir; they had an organization in Jones County, and if Jones called the Lenoir camp they was to assist.

Question. State what was done at different times—the sending of men out of the camp into other counties to execute orders?

Answer. Yes, sir; it was done to keep from being known.

Question. How long after the meeting in which the sheriff's death was decreed was it before he was killed?

Answer. It was about two weeks, I think.

Question. What further business, if any, was done at the second meeting you attended?

Answer. There was a big pic-nic or barbecue to be made provided they killed Colgrove, and then the men who went was to have so much money for going.

Question. So much for the killing?

Answer. Yes, sir.

Question. I see in the disposition which you made, (Ex. Doc. No. 16, part 2, page 7,) that at the time Myers's death was decreed, it was agreed that Monroe should get him to go to the house of Maggio Hines; was that a sister of the Hines you spoke of?

Answer. No, sir.

Question. Now, you have come to the third meeting that you attended, about three weeks after you joined; do you recollect about that?

Answer. I was trying to study whether that was the meeting where the negro man was to be killed or not.

Question. Which meeting was it where they were to break the jail?

Answer. That was the second meeting; then I think the third meeting was the time that Colgrove came up.

Question. At that time, were you ordered to meet at the county bridge, near Kinston?

Answer. That was the second meeting.

Question. Go on with that.

Answer. That was the time we took out De Vaughn and Hines; it was about 10 o'clock that night, and we left there between 12 and 1. I recollect a fellow by the name of King gave three cheers after we got 'em out.

Question. Was Captain Harper there with you that night?

Answer. Yes, sir.

Question. And Henry Croom?

Answer. Yes, sir.

Question. Samuel Perry, and Reddin Hines?

Answer. Yes, sir.

Question. One of the Hill boys?

Answer. Yes, sir; three.

Question. Two of the Harper brothers?

Answer. Yes, sir.

Question. Mr. Tillen, and Mr. Smith?

Answer. Tillen.

Question. Now, sir, after that did you have another meeting?

Answer. Yes, sir.

Question. Do you recollect what occurred at the next meeting?

Answer. That was the time that Parrott and De Vaughn killed that black fellow and cut his ears off.

Question. Describe that.

Answer. A black man had been in with them stealing horses, I believe. He was put in jail and was about to toll on them, and they broke him out. Then Parrott told Ash that him and the nigger was very well acquainted, and he would not run from him at all. Then he came down to Parrott's house, I think, one evening with a gun, and as he went back that day he was shot on the road, and his gun laid up beside him, and one of his ears was cut off.

Question. How did you know that?

Answer. I saw it.

Question. Who brought the ears back?

Answer. Ash De Vaughn, and Parrott, in a bottle of brandy.

By Mr. BAYARD:

Question. You say the black man had been engaged with them stealing horses?

Answer. Yes, sir.

Question. He belonged to their set?

Answer. They would not let him into the order, but they would into the horse-stealing part.

By Mr. NYE:

Question. Was that the only colored man that you ever heard of being in any way connected with your operations?

Answer. Yes, sir. Well, he was not black; he was nearly as white as I am.

Question. They used him then to steal?

Answer. Yes, sir; that was his business.

Question. State whether stealing was a part of the business of the Ku-Klux.

Answer. Yes, sir; from black men; if they had horses we was to take them off.

Question. Or mules?

Answer. Yes, sir; any stock of any kind.

Question. What was done with that stock?

Answer. It was sold and divided among them.

Question. Among the Ku-Klux?

Answer. Yes, sir.

Question. To steal horses and mules from negroes? what was that for?

Answer. To keep them from farming, so that they could hire them.

Question. To keep them from working on their own account?

Answer. Yes, sir.

Question. Were there large numbers of horses and mules brought in?

Answer. Oh, yes, sir; lots of mules were stolen from about there.

Question. Were they sold?

Answer. Yes, sir; shipped toward South Carolina, I believe.

Question. And the proceeds divided?

Answer. Yes, sir.

Question. Did they hold the barbecue that they promised, after the death of Colgrove?

Answer. Yes, sir, they did; at Farru Valley school-house.

Question. Did you ever have any talk with Kennedy after the death of Colgrove?

Answer. Yes, sir.

Question. What did he say about it?

Answer. He said there were nine of them—his boys, he called them—that were in it, that finished him; that they had to give a big barbecue on it; that he was to give a fat hog, and Jeff. Perry was to furnish one, and Joe Parrott was to furnish one.

Question. Was there a man by the name of Grant killed?

Answer. That is the black man that they cut the ears off.

Question. Did you ever hear Parrott say anything about who killed him?

Answer. He said that him and Ash De Vaughn, and two other men, did it; that all that he done was to get him out. He did not tell who the other two were.

Question. State to what extent this Ku-Klux Klan was to go in breaking up what they called the radical party.

Answer. Well, we was to put it out of the way, some way or another, (if not kill and burn,) till we got the democrats into power.

Question. That was the direction you had from the klan?

Answer. Yes, sir; the direction that they give me and all the balance that was in there when I was.

Question. To kill and drive out till the democratic party—

Answer. Got into power.

Question. Was that carried out?

Answer. Yes, sir, I believe so; it has the power, anyhow.

Question. Was that the business of the Ku-Klux Klan?

Answer. That is what they told me it was; that was our duty, to break it up.

Question. You said, in regard to the distillery, that you were instructed to do anything that would injure the Government?

Answer. Yes, sir; in any way.

Question. State whether the Ku-Klux Klan did furnish clandestine corn to the distillery, and take whisky away.

Answer. Yes, sir; I have boated it many a time myself over the river and brought the whisky back.

Question. Did you hide your boats in the day-time?

Answer. Yes, sir; just run them till a little while before day, and then dragged them up and took them off in the thicket; then throw them back in again if we wanted to haul any more.

Question. Was that illicit distillery, where they paid no revenue, carried on a long time?

Answer. It was carried on about two years.

Question. With the aid of the Ku-Klux Klan to which you belonged?

Answer. That was the house we always met at, where the whisky was.

Question. And you agreed to defend it?

Answer. Yes, sir.

Question. And give notice if the agents were coming, and to carry off the whisky?

Answer. Well, we had to move it one time.

Question. For what?

Answer. To keep the Government authorities from getting it.

Question. Did you move it back again?

Answer. No, sir; moved it to a new place.

Question. Was the same thing carried on there?

Answer. Yes, sir; it was carried on there till about a month, I think, before I left.

They got an pretty good trail of it again, but I don't know whether they ever found it or not. I got away.

Question. During these meetings was the subject of being friendly or unfriendly to the United States Government talked over?

Answer. Well, we was to do any way we could to injure the Government, and get our people in power. That was our whole study.

Question. You went from Lenoir to Cabarrus County. Is Cabarrus your native county?

Answer. Yes, sir; where I was born and raised.

Question. Did you flee for fear of the Ku-Klux in Lenoir?

Answer. Yes, sir; that is what I left for.

Question. Describe that.

Answer. They threatened me that if I didn't keep my mouth shut they intended to kill me. I got the news of it, and just left one morning. A young man named Jesse Kennedy, a cousin of the other Jesse, brought me up as far as Goldsboro, and then I took the train.

Question. When you got to Cabarrus County, did you find the order there?

Answer. I found some men there. They tried to start a little order, but they got scared and quit.

Question. Were there Ku-Klux there?

Answer. O, yes, sir; I found some, but I don't think there was any meeting at all in that whole county.

Question. Was there any in the adjoining county?

Answer. I think there was in Rowan County; most of them was there.

Question. Did you attend a meeting there?

Answer. One; it was the White Brotherhood.

Question. Where did you attend that?

Answer. About half a mile from China Grove.

Question. In the woods?

Answer. Yes, sir; in the pines.

Question. Did they assign you there any work to do?

Answer. Yes, sir.

Question. What did they direct you to do?

Answer. There was a woman by the name of Coffin. She and her husband was from Danville. There was a man running plug tobacco, and Coffin was the person manufacturing it. They fell out, and this man wanted to kill Coffin. Coffin left, and then they told Mrs. Coffin if she didn't leave in a certain time, they would kill her, or get her off. She wrote a letter to Salisbury, to the coroner, about her husband. She thought he was killed. Soon after that she got a letter from him at Danville, and she went on there.

Question. This was contraband tobacco that they were making?

Answer. Yes, sir.

Question. Were they carrying on that business and were the Ku-Klux defending it?

Answer. Yes, sir; they told us their object was to keep tobacco cheap.

Question. They wanted to prevent the Government getting it?

Answer. Yes, sir; by taking it out of the way. They did move it once, so they told me.

Question. Did they direct you to go and see this woman?

Answer. Yes, sir; and I went to see her. She told me that there was an organization there of that kind, and that her husband belonged to it, and they had fell out some way, and she thought they had killed him. Then I told her she had better leave herself, or she might get herself into trouble.

Question. What were you directed to say to her?

Answer. That if she didn't leave, they would kill her; if she didn't leave on good terms she would have to leave on bad terms. My advice was for her to go away.

Question. And she went?

Answer. Yes, sir; but she tucked it out awhile till she got a letter from him.

Question. While in Cabarrus County, did you go into South Carolina?

Answer. Yes, sir; I went into South Carolina as I came from Lenoir County; I found my friends in South Carolina.

Question. State whether the order existed there.

Answer. Yes, sir; they told me it existed from there on to Georgia.

Question. Did you learn from your commander, or otherwise, that the order existed throughout the Southern States?

Answer. Yes, sir; I heard him tell me them very words out of his mouth—that it existed plumb through the Southern States; said they had a complete line of it.

Question. Of what kind of people was the Ku-Klux Klan composed? Was it made up of men who were in the rebel army?

Answer. Yes, sir. I don't believe there was one that belonged to it but what had been

in the army. There was one little fellow, with one leg shorter than the other— I don't think he was in the army.

Question. Was it composed of rebel officers and soldiers?

Answer. Yes, sir; the officers of our Klan had been officers in the army.

Question. Were you a soldier in the rebel army throughout?

Answer. Yes, sir; I went clear through the whole business.

Question. In your camp in Lenoir County, were the men masked?

Answer. Not at the meetings; but they would black their faces and get some old things on at night, if they wanted to do any devilment. But the night we went to the jail, we just went full-handed.

Question. Some of you had disguises?

Answer. Some had a little black shroud.

Question. What was the uniform?

Answer. I never saw it but once. It was made pretty much like one of those knit caps, only two horns run out on each side and one came over.

Question. A head-dress with three horns?

Answer. Yes, sir.

Question. What was the color of the garments?

Answer. A black shroud, with a little string drawing it around the neck. It fit loose.

Question. Did you ever hear in your camps the subject of a foreign war talked of?

Answer. Yes, sir; I heard them say if there was a foreign war started up and the United States should take a hand in it, that they could jump in on their backs and lick 'em out.

Question. Lick the United States out?

Answer. Yes, sir.

Question. When did you hear that?

Answer. In 1869.

Question. State whether or not it was freely talked over in those meetings.

Answer. O, yes; it was talked over in our camp. I know the whole camp heard it.

Question. They said if the United States took a hand in it—

Answer. Then they could jump in on her back and wool her out.

Question. State whether or not that was the sentiment of the camp.

Answer. Yes, sir; I believe it was generally over the whole camp.

Question. Was it your own intention?

Answer. Yes, sir; it was.

Question. Was there anything said, and if so, what, about being able in that way to get back what you lost in the rebellion?

Answer. Yes, sir; they said that that was the only way we would ever get it back, was to wait for a foreign war, and let the United States go into it, and then they could crawl on her back and get back what we lost.

Question. Did you find in the county adjoining Cabarrus the same order as in Lenoir?

Answer. Yes, sir; pretty much the same thing.

Question. And in South Carolina?

Answer. Yes, sir; the signs would be just exactly alike after they took another degree.

Question. Did you talk with the Ku-Klux in the county where you moved in South Carolina?

Answer. Yes, sir.

Question. What did they say, if anything, were their objects—the same as yours?

Answer. Yes, sir; the same thing.

Question. To clear out the republican party?

Answer. Yes, sir; clean 'em out. I have heard them remark since that North Carolina had come out from under republicans before South Carolina; that South Carolina had still to lay in.

Question. Do you think of anything more you want to say?

Answer. No, sir.

By Mr. BAYARD:

Question. You were in the army all during the war, fighting in Virginia most of the time?

Answer. Yes, sir; in Lee's army.

Question. You originally enlisted as a private?

Answer. Yes, sir.

Question. What rank did you reach?

Answer. Private all the time.

Question. When the war ended where did you go?

Answer. To Concord, Cabarrus County, North Carolina.

Question. How long did you remain there?

Answer. About eight months.

Question. Your trade is that of a carpenter; did you ever follow any other?

Answer. Yes, sir; I have followed tanning.

Question. Have you engaged in that since the war?

Answer. Only as house carpenter since the war.

Question. When you left Cabarras County, where did you go?

Answer. To Lenoir County.

Question. How long did you remain there?

Answer. About three or four years—until August or September, 1869.

Question. Then you returned to Cabarras, and have been there ever since?

Answer. Yes, sir; though I have been running about right smart, passing backward and forward on the railroad.

Question. That is your name?

Answer. Yes, sir; my family has been there.

Question. How long were you a member of the C. U. G.?

Answer. About from the 1st of April, 1869, till the time I left for Cabarras County.

Question. About four or five months?

Answer. Yes, sir.

Question. How many meetings did you attend in that time?

Answer. Four, five, or six; but I attended some two or three meetings as I would go to Sunday school. Sometimes we would have a little called meeting on Sunday, just around the neighborhood.

Question. How many would be there?

Answer. Some ten or twelve.

Question. What is the biggest meeting you ever attended?

Answer. I think some eighty odd.

Question. Where was that?

Answer. In Croon's still-house.

Question. You were examined last August at Raleigh?

Answer. It was some time last year.

Question. Have you ever read your deposition in the document sent in with the President's message?

Answer. No, sir; I never saw it till to-day.

Question. Mr. Nye has been questioning you in regard to the facts; you recognize them?

Answer. O, yes, sir.

Question. You gave all that in full, and you are now making pretty much the same statement as you made last August?

Answer. I do not know how they correspond.

Question. You intended it to be the same?

Answer. Yes, sir; as nigh as I can.

Question. You say you never saw but one disguise; where did you see that?

Answer. At Kennedy's.

Question. Who had it there?

Answer. He had it.

Question. That was the only one?

Answer. The only true disguise, but then the men would have these shrouds about the face, gathered with a string at the top, and they would black the face.

Question. But the cap with horns—

Answer. I never saw but one.

Question. When these parties went to the jail to take the men out, there was no attempt at disguise?

Answer. There was one or two had their faces blacked, but we never count that much.

Question. That was when the black men were taken out who murdered the Miller family?

Answer. Oh, no, only they took Ash De Vaughn and Hines out.

Question. Did these men leave the State?

Answer. Yes, sir; got away.

Question. What had they been doing?

Answer. Stealing and killing.

Question. You let them loose and then they ran away from the State?

Answer. Yes, sir; I led DeVaughn's horse from the jail to Jesse Kennedy's to get him away.

Question. You said something about a threat to burn the house of a man named Waters, who lived near you, and that he and Kennedy had had some fuss?

Answer. Yes, sir; his son and Kennedy had fell out, and Kennedy had shot the son through the arm, and the old man wouldn't speak to Kennedy any more after that. So Kennedy, at one of the meetings, said that Waters had to be burned out. I spoke

to Perry and Aleck Dawson and asked them if they would help me at the vote. Ad they would, and by putting in three ballots with a black dot on them it was

done. After we put it off I got up and told Kennedy that if that thing was ever

done I would tell it, and he said, "You can damned easy be put out of the way here."

Question. So you prevented that being done?

Answer. Yes, sir.

Question. Was that a personal spite of Kennedy against Waters?

Answer. I do not know whether it was or not, or whether it was because he was a republican.

Question. He was the man who proposed it, and he had had this difficulty, and this was the way in which the thing was managed?

Answer. Yes, sir.

Question. Were you ever present when any negroes were taken out and whipped?

Answer. I was in one scrape.

Question. What did you whip him for?

Answer. He was one of these leaders; he had some seven or eight that would vote the same ticket that he voted, and Kennedy said he must be lashed so as to make the others not vote that ticket.

Question. And you went and did it?

Answer. No, sir; I didn't do a bit of whipping.

Question. How many went?

Answer. Six.

Question. By Kennedy's direction?

Answer. Yes, sir.

Question. Was it a decree at a meeting of the camp?

Answer. Yes, sir; Kennedy was our commander, and he could not make a command without he had a meeting.

Question. Do you remember the meeting when the negro-whipping was voted?

Answer. Yes, sir.

Question. Were you there?

Answer. Yes, sir.

Question. And voted for it?

Answer. I did.

Question. And then went with the party to assist in doing it?

Answer. Yes, sir.

Question. Where was that?

Answer. About three miles from Kinston.

Question. What was the man's name you whipped?

Answer. His name was John.

Question. John what?

Answer. Wesley, I believe. I never saw the nigger but once in my life. They told me that was his name.

Question. When was that?

Answer. In 1869.

Question. Were all these events you spoke of done in that year?

Answer. All done in 1869; it was not three months' time past, because they had just got agoing full headway, and I know the detective jumped in one night and gathered twelve of our men at one time and took 'em to Newbern.

Question. What detective?

Answer. Myers.

Question. United States deputy marshal?

Answer. I don't know what he was.

Question. Was he a detective for illicit distilling?

Answer. Oh, no.

Question. What was he detective for?

Answer. It was to catch these outrages.

Question. Where were these twelve men when he caught them?

Answer. At home; but he had got their names before, and he took 'em when they was asleep.

Question. Where did he carry them to?

Answer. To Newbern.

Question. Did he put them in prison?

Answer. Yes, sir.

Question. Was he a United States officer?

Answer. I reckon so; he passed for that.

Question. That was about this same time?

Answer. Yes, sir; it was in the same time I have given.

Question. You spoke of Colgrove; what had been his life before he was sheriff?

Answer. He was in the northern army, so they told me.

Question. Had he been in prison?

Answer. They said he had just got out of the penitentiary.

Question. What had he been put in for?

Answer. I do not know.

Question. How was he elected to office?

Answer. He was appointed, I think.

Question. By whom?

Answer. By Holden.

Question. Was he then a man of reformed bad character?

Answer. I do not know whether he was or not.

Question. You said he had gotten out of the penitentiary.

Answer. Yes, sir; that is what our chief said; that he ought to die; that he wasn't fit for sheriff of that county.

Question. Do you know anything about Union Leagues down there?

Answer. No, sir.

Question. Do you know whether there were such organizations among the black people as leagues?

Answer. Well, they said there was; I don't know. I have seen them march, what they called Union Leagues. I don't know whether they had any meetings.

Question. You said there was a black man who had acted with these people in stealing horses, and that he was subsequently killed.

Answer. Yes, sir.

Question. He was the man they took out of jail?

Answer. Yes, sir; in Snow Hill.

Question. To kill him?

Answer. They turned him out first and was about to get him again, and they was afraid he would tell on them, so they thought while they had him they would make good use of him.

Question. What did they do with him?

Answer. Killed him and cut his ears off and put them in a bottle of brandy.

Question. You say that when they got horses and mules they sold them and divided the money; how was that division made?

Answer. It was like they would send out a party to-night to get so many horses, and then there would be two or three more would steal horses from the black people, and then the single men, who had no families, they had to go off a day or two before to some place and the horses would be taken to them, and then they would take 'em off and sell 'em and come back and would pretend to divide the money. But, Lord! I never seen any of the money.

Question. Did you ever get any portion of such fund?

Answer. I never got ten cents, but I have seen Kennedy at one time get a hundred dollars. I asked him about it one day, where was my part, and he said he would make the divide some day.

Question. You asked him what your share was?

Answer. Yes, sir, and he said, "All right, I will fix it all up after a while."

Question. But you never got any?

Answer. I never got it.

Question. He kept your share?

Answer. He got most all of it.

Question. Never made a fair divide?

Answer. No, he did not.

Question. Who first got you to go down to Raleigh to make this statement?

Answer. Nobody.

Question. How did you come to go?

Answer. I went to get out of it myself. I went to see whether I could get out of it, and they said I could.

Question. To whom did you go to ask about it?

Answer. I went to John McDonald.

Question. Who is he?

Answer. He lived there in Cabarrus County ever since I know him.

Question. What did he tell you?

Answer. That he thought I could. I told him I did not go on thoughts at all. Then I told him if they would—well, my wife was the cause of the whole business, just right straight along. She had been working at me, and telling me that she had got tired of hearing such as that, and wanted me to get out of it if I could. Then I went to McDonald and asked him, and he said, yes, he thought I could.

Question. Did you see Governor Holden?

Answer. I did. I went in his office, and asked him if there was any chance of my getting a pardon—anything of that kind. He asked me, what for? and I told him my wife had been in distress now for over twelve months, and wanted me out of the concern. He told me then that he could, and then I just made the statement.

Question. The one that was taken down here before Busbee?

Answer. Yes, sir, he was the one I gave it in to.

Question. Who was with you when you made the statement?

Answer. Nobody. Well, there was several case in.

Question. Whom have you been talking to about the matter since that time, about your coming up here?

Answer. Nobody at all. I did not know I was coming ten minutes before I started.

Question. How were you summoned?

Answer. I was telegraphed to.

Question. Did you see anybody before you started?

Answer. Well, there was another young man came from Alamance, I believe, that met me on the road coming along. Nobody else ever come with me. Mr. Hofbrook brought me to the depot, but he did not know no more about it than I did.

Question. When did you reach Washington?

Answer. Last Friday night.

Question. Was any money furnished you to pay your expenses?

Answer. No, sir.

Question. Had you money to pay your fare?

Answer. No, sir. I borrowed \$25 to pay it, till I saw whether they would not make some arrangement here for me. I haven't got no money at all.

Question. After you went to Cabarrus County, in September, 1860, you say you never attended a meeting of any society of this order?

Answer. Yes, sir, one.

Question. How large was that?

Answer. I reckon there was some forty or fifty men. But they didn't say how many more there was, nor anything about it.

Question. That is the only meeting you saw?

Answer. That is the only one.

Question. Do you know whether it exists in that county?

Answer. Yes, sir, I believe it does, but I do not think there has been any crime, or anything done in some time.

Question. You think it has been pretty quiet for the last year and a half?

Answer. No, about half a year.

Question. Since the last election?

Answer. A little while before election.

Question. Were you at the election in August last?

Answer. I was.

Question. Was it a quiet and peaceable election?

Answer. Yes, sir.

Question. Any difficulty or trouble?

Answer. No trouble at all about it.

Question. What is the black population in that county?

Answer. I do not know.

Question. Do you know what the white population is?

Answer. No, sir.

Question. Are there a good many blacks there?

Answer. Yes, a good many.

Question. You work at your trade?

Answer. I do.

Question. From about two or three months before that election till the present time, have you known of any acts of violence that you can speak of?

Answer. No, sir, none around there at all.

Question. All quiet?

Answer. Yes, sir; in Cabarrus and Mecklenburg there never was any; it has always been quiet. I do not think there has been any disturbances.

Question. No Ku-Klux in Mecklenburg?

Answer. No, sir; if there is I never heard of it.

Question. All you heard was in the three months in Lenoir County?

Answer. Well, I know there was trouble for a good while, but I didn't know how it come—what made it come.

By the CHAIRMAN:

Question. What reason was given to you for forming this organization when they asked you to join?

Answer. To put down robbery. They asked me if I didn't want to belong to a society that would stop this robbery and stealing. I told them I would if it was carried out right.

Question. What robbery did they tell you they would stop?

Answer. Breaking open people's smoke-houses.

Question. Was it Ku-Klux's smoke-houses that were broken open, or republicans'?

Answer. It was republicans'; sometimes other ones, too. None of these parties' was ever broken open nary time.

Question. After you got into the order and knew the obligations that were imposed

upon you, would you have considered it your duty to carry out any order that they might impose upon you to save your own life?

Answer. Well, of course, a man's life is pretty dear to him.

Question. Suppose you had not carried out an order?

Answer. Well, they would have killed me right straight. That is what they told me they would do.

Question. Was that what was told each member after he came in?

Answer. Yes, sir; that if he did not obey his officer he was to be dealt with according to the camp; and then if he revealed anything from the camp, he was to die.

Question. Had any of the men revealed the existence of the organization, and how they were bound together before the militia were sent there by Governor Holden?

Answer. Oh, yes. I think a fellow by the name of Parrott had told Myers about it, but nobody didn't know it till he had grabbed ten or twelve of 'em; then it got out that Parrott had told Myers.

Question. Had any man made a public statement of it before Governor Holden sent his militia there?

Answer. No, sir; I don't believe they had.

By Mr. BAYARD:

Question. Have you named all the individuals connected with that order whose names were known to you in your deposition in this case?

Answer. Well, mighty nigh all that I can recollect. If I could see their faces I could, maybe, tell their names, or given names.

By Mr. NYE:

Question. They call one another Joe and John?

Answer. Yes, sir, every name in the world. But the names I give are the only ones I was acquainted with that lived just around there.

By Mr. BAYARD:

Question. It was from them you received the information?

Answer. Yes, sir.

By the CHAIRMAN:

Question. At any meeting that you attended were there men from other parts of the State?

Answer. No, sir; there was several from the adjoining county, from Jones.

Question. Could you tell who they were?

Answer. I believe I can tell one of them. He was a school-teacher.

Question. I mean when they were in the meeting if they had on their disguise.

Answer. Oh, no; but when we would hold a meeting such as that we would not disguise, without we would go out to do some devilment of some kind. We would not disguise ourselves in the room. We held them just the same as people sitting here.

Question. Were there strangers present from other counties?

Answer. Oh, yes, sir; there was some I didn't know at all. There was no names called.

WASHINGTON, D. C., February 20, 1871.

E. M. HOLZ sworn and examined.

By the CHAIRMAN:

Question. In what part of North Carolina do you live?

Answer. In Alamance County.

Question. What is your occupation?

Answer. I am a manufacturer, a merchant, and a farmer.

Question. How long have you resided there?

Answer. Sixty-four years, within two hundred yards of where I now live.

Question. Does your business intercourse bring you into a large portion of the State?

Answer. Yes, sir; my business occupation leads me in many parts, east and west. I am doing business in Charlotte, and I have another branch in Davidson County.

Question. From your observation and knowledge of the condition of the State, state as briefly as you can the condition of the people there as affecting the security of person and property.

Answer. My business relations in the different sections of the State would not enable me to answer your question satisfactorily; I can only speak with certainty as to the adjoining counties.

Question. To the extent which you can speak with certainty, give us your knowledge on this subject.

Answer. Well, sir, there has been some burning and destruction of property in my county, and there has been a great deal of burning in the adjoining counties of Caswell and Chatham. There has been not so much burning in my county as in other counties.

Question. How as to injuries to persons?

Answer. There have been some persons punished there. There was one negro hung in the town of Graham. Several notorious characters there have been punished, but in every instance they were persons of very bad character.

Question. By whom?

Answer. I could not say by whom.

Question. You cannot name the parties?

Answer. No, sir.

Question. In what manner have these wrongs been inflicted?

Answer. In several instances report said that the persons were disguised. In one or two instances I have heard that a part of them were disguised and a part were not. I never saw a disguised man in my county, nor anywhere else.

Question. From the knowledge which you have gained from public sources, what effect have these outrages had upon the sense of security felt by the citizens?

Answer. My impression is that there was no insecurity felt by persons who were law-abiding and behaved themselves.

Question. Did you know this man you spoke of as being hung in Graham?

Answer. Yes, sir.

Question. Was he a law-abiding man?

Answer. Well, no, sir; he was not; there were several indictments against him in court before the surrender.

Question. Against Outlaw?

Answer. Yes, sir.

Question. For what?

Answer. Retelling liquor, I think, without a license—one or two cases of that sort.

Question. Had he ever been tried or convicted?

Answer. No, sir; his trial had been postponed from time to time. His case came before the county court, and I was one of the special court.

Question. Are you one of the associate justices?

Answer. I was before the new constitution was adopted.

Question. Was that the reason given for hanging him?

Answer. No, sir; I think not.

Question. What was the reason?

Answer. Report said that a masked crowd passed through Graham, and that he shot at them. That was the report afterwards, for some time.

Question. Was that the reason given for hanging him?

Answer. I never heard the reason for hanging him.

Question. Did the punishment of persons who were alleged to be of bad character find any apology or justification in punishments in that manner?

Answer. No, sir; we all condemned it. I never heard a man justify it.

Question. Did you take any measures to have the perpetrators arrested?

Answer. Yes, sir; there were some arrested, charged, and carried before the magistrates at the court-house.

Question. Since the examinations before the judges in the habeas corpus cases, have the persons whose names were given as having been implicated in that murder been arrested or brought to trial?

Answer. I do not think they have.

Question. Have the officers there undertaken to arrest any of these men whose names were divulged as being implicated in the murder of Outlaw?

Answer. Well, sir, I do not know that there were ever any writs issued for their arrest, because I do not think suspicion rested particularly upon anybody until their arrest by Colonel Kirk.

Question. After the prisoners were discharged on habeas corpus, were not the names of Bradshaw and one or two others divulged, as having partly, at least, implicated themselves in the offense of having been present at the murder of Outlaw?

Answer. If they were, I never heard it.

Question. Did you ever read the proceedings that were had before the judges in the habeas corpus case?

Answer. Yes, sir; I read it as reported in the papers.

Question. Did you ever read the testimony of Mr. Boyd?

Answer. Yes, sir; I read his statement.

Question. Do you recollect of any persons being named by him as having stated to him about their being present at the murder of Outlaw?

Answer. No, sir.

Question. Do you know of any effort by anybody in that county to arrest any one since those hearings for the murder of Outlaw?

Answer. No, sir, I do not think I have; I have no recollection of there being any other arrest since then.

By Mr. BLAIR:

Question. By whom would the arrests be made? who were the officers in your county?

Answer. Mr. Murray is the sheriff.

Question. Is he a democrat, or radical?

Answer. I think he is a democrat.

Question. Are all the officers in the county democrats?

Answer. Indeed, I do not know that I can answer that question.

Question. Who is the judge in the county?

Answer. We have no judge in that county. The judge of our district resides in Greensboro—Judge Tourgeo.

Question. Is he a radical?

Answer. Yes, sir.

Question. Are not all the judicial officers in your county radicals?

Answer. Nearly all the justices of the peace are.

Question. If any person was suspected or charged with a crime, would it not be the duty of those justices to have him arrested?

Answer. I suppose it would.

Question. Have they omitted that duty?

Answer. Well, I suppose they have. There has been no person charged.

Question. I understood the chairman of the committee to ask you if some persons had not been charged by this man Boyd, in his deposition, with having been present at this hanging?

Answer. I do not think Boyd charged in his statement that there was any person present at the murder.

Question. That some one had testified to him that he was present?

Answer. I do not recollect that particularly; it is some time ago.

Question. If it had been made public that any person was suspected of that crime, or of being present and knowing anything about it, would it not be the duty of the judicial officers of the county to take notice of it?

Answer. It would have been. If any one was pointed out as having participated in the matter, he certainly would have been arrested. There is no difficulty in arresting at all.

By the CHAIRMAN:

Question. Suppose persons are arrested in that county, do you know anything of the difficulties in bringing them to trial and convicting them in consequence of the existence of what is known as the Ku-Klux organization?

Answer. I do not.

By Mr. BLAIR:

Question. Even if there were a difficulty in that county, does not the law allow the judicial officers, judges and prosecuting attorneys, to remove a case to another county, where they could have a fair trial?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Have you any knowledge which enables you to say whether there is an organization of that kind in Alamance County?

Answer. I have no personal knowledge.

Question. What is your belief on the subject?

Answer. Well, I believe that there is an organization.

Question. From what you know of its character, and of those who compose it, do you believe that where persons of that organization are charged with crimes in court, in Alamance County, justice can be administered against them?

Answer. I think so.

Question. Have you read the oath they are said to take?

Answer. No, sir.

Question. Has any member of the organization been tried in Alamance County?

Answer. I do not think there has; if there has been, my memory does not serve me. Oh, yes, there were two or three negroes tried.

Question. Were they members of the Ku-Klux organization?

Answer. They said so.

Question. The negroes themselves said so?

Answer. The negroes themselves said so. They were tried, sentenced, and punished.

Question. Is that the only instance you know of?

Answer. That is the only instance.

Question. With which political party do you act, if either?

Answer. Well, sir, since the war, the first vote I cast was for Governor Holden, but in the last election I acted with the democratic party.

Question. Has there been any difference of opinion among the parties there as to the

light in which they view the proceedings of the Ku-Klux organization? In other words, did the conservatives or democrats ever attempt to justify their proceedings?

Answer. No, sir; I do not think they have, as a party. It has met with opposition. I have always opposed it myself.

Question. How has it been with the party as a body in that county?

Answer. I could not answer that question, because I do not know who belongs to the order.

Question. Have you heard any members of the conservative party apologize for or justify the operations of the Ku-Klux?

Answer. No, sir; I do not think I have ever heard any apologies for them at all. I have heard such expressions as this—that the operation of the Ku-Klux, or White Brotherhood, as some of them term it, has had a beneficial effect in preventing crime, both among negroes and white men.

Question. Has that been the expression in the newspapers in your county?

Answer. We have no newspapers in the county.

Question. Is that the expression by members of the conservative party?

Answer. Yes, sir; and I think I have heard it by the republican party.

Question. Have you heard any of the republicans there excuse or denounce the organization? If so, state what you heard them say.

Answer. I do not know that I could give the language of any of them; but I have heard it denounced. I have denounced it myself, and my sons have denounced it. The fact is, I have never said much about it.

Question. Have you considered that the existence of the organization in Alamance County has in any manner endangered the security of anybody in it?

Answer. Not with any good, law-abiding citizen has either life or property, in my opinion, been endangered at all.

Question. Did you hear of a man named Corliss who was whipped in that county?

Answer. Yes, sir; I heard of it. I did not know the man.

Question. Did you hear that he had violated the law in any way?

Answer. No, sir. I do not think he had violated the law.

Question. What was the ground for whipping him?

Answer. I think it was alleged that he endeavored to get the negroes to go into a church and take seats among the white people.

Question. Was there any law against that in North Carolina?

Answer. Not at all. I further understood that the negroes had a consultation themselves, and condemned the course that he had advised them to take, and would not follow it.

Question. Did you ever hear of a colored man named Allen being whipped in that county?

Answer. (A pause.) No, sir; I do not recollect it.

Question. Did you ever hear of a colored man named Puryear being drowned?

Answer. Yes, sir.

Question. What offense was he alleged to have been guilty of?

Answer. I never heard much said about the disappearance of Puryear. He was a crazy negro; he and his wife lived on very bad terms, and the most I ever heard said about it was by a negro man, an old servant of mine. He said they told him that the opinion was that his wife had destroyed him, or caused it to be done. That was out of my neighborhood, some twelve or fifteen miles.

Question. Have you nothing further to state as bearing on this general question?

Answer. I do not know that I have.

By Mr. BAYARD:

Question. I will ask you whether the condition as to general peace and good order in the county where you reside is not now equal to that of any other time which you recollect.

Answer. I am sixty-four years old, gentlemen, and I assert most positively that the peace and quietness of the county is as good now as it ever has been during my whole recollection.

Question. Do you consider that people, without regard to their political views or their color, can obtain justice for themselves in your courts and be protected in their rights?

Answer. They can.

Question. You have no doubt about that?

Answer. None at all.

Question. You say there were some of these outrages upon individuals in the way of whipping, &c., and even the putting of one man to death; state whether the common sentiment of your community among respectable men is not opposed to such things?

Answer. Entirely so.

Question. Have you not heard gentlemen of the conservative party, as well as of the republican party, denounce openly and in the same time these outrages?

Answer. Certainly; and let me say further, that after the hanging of Outlaw we proposed to have a meeting for the purpose of giving an expression of opinion in regard to it, a sort of indignation meeting, at the court-house, to condemn the whole proceeding, and we proposed to send it to Governor Holden. The time, I think, was appointed, but before the time appointed to hold the meeting the United States soldiers came in there, and it was all stopped.

Question. They were stationed in the county?

Answer. Yes, sir.

Question. At what points were they stationed?

Answer. At Graham; the meeting was proposed to be held at Graham.

Question. Did that alone prevent the public meeting to denounce this outrage upon Outlaw?

Answer. Well, it fell through on that account.

Question. Was the sentiment of the leading men of the conservative party, as well as of the republican party, in favor of holding such a public meeting and denouncing the outrage?

Answer. It was in my neighborhood?

Question. And do you believe but for the presence of the military it would have been held?

Answer. Yes, sir; it would.

Question. Do you recollect when Governor Holden proclaimed your county in insurrection?

Answer. Yes, sir.

Question. At the time he did so was there peace and quiet there?

Answer. Yes, sir.

Question. What was the feeling in the community when Kirk was sent there?

Answer. Well, sir, the people felt greatly outraged.

Question. Did they feel alarmed?

Answer. Very much alarmed.

Question. Did you see Kirk during his presence there?

Answer. I saw the first three arrests that were made.

Question. Describe their conduct and bearing toward the people?

Answer. It was exceedingly rude. I happened to be in Graham. I live about seven miles from there. I saw the arrest of Mr. Boyd. I was on a visit to my daughter, who lives near Mr. Boyd's office. I rode from there down to my son's house, at Haw River, and I there saw the arrest of Adolphus G. Moore. His arrest was a very rude one indeed.

Question. Did you see any prisoners when he had them in custody?

Answer. Yes, sir; some time afterward I saw the prisoners after they had been carried to Caswell and returned to Alamance.

Question. What was their condition?

Answer. It was anything but agreeable. I saw very little of them.

Question. Have you any knowledge of the conduct or acts of these two officers that you can speak of?

Answer. Personally I have not.

By Mr. BLAIR:

Question. You say you voted for Holden in the first election and against him at the second election. Was your second vote influenced in any degree by the flagitious and profligate manner in which Holden and the State government had squandered the bonds?

Answer. Yes, sir.

Question. Were not many there who supported him in the first instance compelled to vote against him on that ground?

Answer. I think so.

Question. Was not there a great excitement about it?

Answer. A great deal.

Question. Was it believed generally that Governor Holden and his radical legislature had brought the State to the brink of ruin and bankruptcy?

Answer. Yes, sir; that was the opinion.

Question. What is your opinion about it?

Answer. I think a man could not have any other opinion, to look at our situation. The State is bankrupt beyond all redemption. I am a large tax-payer myself.

Question. You do not see how this money is to be paid?

Answer. No, sir.

Question. Did the State get any benefit from all this appropriation of bonds?

Answer. Very little; the bonds have been squandered.

Question. Do you know anything of the Union League organization? Is there such an organization there?

Answer. There is a secret leagu in the county that has been existing over since or soon after the surrender.

Question. It is composed of whom?

Answer. Composed of negroes

Question. Did you ever hear of any means taken by those negroes to intimidate other negroes who were disposed to vote the conservative ticket?

Answer. Yes, sir.

Question. Such things have occurred in your own county?

Answer. Oh, yes, sir. An old negro man who formerly belonged to me told me that at the last election another negro came by his house, on the morning of the election, and told him that if he did not go and vote Kirk's men would be sent out and kill him, and after he was dead they would thrust their bayonets through him; and I was a little amused to find that the old fellow had more horror at being bayoneted after his death than of the killing.

Question. Do you consider that the organization leaves the negroes there really any freedom of action at all?

Answer. No freedom of action.

By the CHAIRMAN:

Question. You spoke of being well acquainted in Graham; do you know Mr. Boyd?

Answer. Yes, sir.

Question. What is his standing and reputation as a citizen and a lawyer?

Answer. He is a young man, and so far as he has made his record, it was pretty fair.

Question. Was his standing in his profession and his party both good at the time he was arrested and made these disclosures about the existence of the Ku-Klux organization?

Answer. As a young man professionally, he was regarded as having some talent. He could not have made his mark much, having been at the bar only a short time. He was getting into practice.

Question. Was he the democratic candidate on the ticket of the legislature?

Answer. Yes, sir. There was a great deal of doubt expressed about Mr. Boyd's principles, some claiming that he was not a sound democrat.

Question. Was not that on the ground that he was endeavoring to prevent some of the operations of the Ku-Klux organization of which he was a member?

Answer. No, sir; I did not understand that he was a member of it himself. I urged his nomination myself. Some of his friends blamed me afterwards and said, if it had not been for me, perhaps he would not have got his nomination. His nomination was not altogether satisfactory.

Question. Do you take an active part in the politics of the county?

Answer. No, sir.

Question. Were you a member of the convention that nominated him?

Answer. Yes, sir; I happened there and was invited into the convention. I do not take an active part in politics and have not for a long time.

Question. How was it after he made the disclosures in regard to the Ku-Klux organization—how was he looked upon then by the democracy?

Answer. Well, sir, he was not looked upon with much favor. I heard a friend of mine, (and I was astonished to hear it,) in speaking of his disclosures, say that he had joined the order himself through the influence of Mr. Boyd; that he had met him on the street one night and was invited by him to go down and join it; that he had been simply initiated and had never been in any meeting at all—simply initiated by Mr. Boyd.

Question. Were you astonished to find men of such respectable character in that organization?

Answer. Well, I was a little surprised to hear that man say it did not meet his approbation. He seemed to chide himself for having been influenced by Mr. Boyd, and said he never attended but one meeting.

Question. From the fact you found these two men had been in the organization, are you prepared to say to what extent respectable men in the county had been in it?

Answer. No, sir; I cannot say.

WASHINGTON, D. C., February 21, 1871.

JACOB A. LONG sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?

Answer. In Graham, Alamance County, North Carolina.

Question. What is your occupation?

Answer. I am a lawyer.

Question. State whether you have at any time been a member of the organization popularly known as Ku-Klux, and otherwise known as the White Brotherhood, or the Constitutional Union Guards?

Answer. I was at one time a member of the White Brotherhood. I was initiated, I think, in October, 1868, and my connection with it lasted till some time in May or June, 1869.

Question. By whom were you initiated?

Answer. By a gentleman from Guilford County of the name of Obed McMichael.

Question. Do you remember the nature of the obligation of that order?

Answer. Well, sir, I remember a part of it; it has been some time ago.

Question. Will you look at the oath on the second page of the President's message in relation to North Carolina and state whether that is the oath in substance?

Answer. (Reads it.) There are some things in that that I remember as being in the obligation, and there are others that are entirely new to me. The substance of it was this: that you were not a member of the Union League or the Grand Army of the Republic; that you would keep everything secret in connection with the order; that if any member or his family was in danger and would inform you of it, you would go to their assistance, if necessary; and that if a member revealed the secrets, you would assist in punishing him. That part of it, as stated there, in regard to never assisting in initiating any person who belonged to the other organizations, I do not remember whether that was in it. It was a little piece of paper, about as long as my hand.

Question. Did any part of the obligation require you to obey the orders of the commander of the camp?

Answer. Yes, sir; that you would obey the orders of the superior officers.

Question. How was that explained to you?

Answer. It was explained by a by-law. There was a little list of by-laws, in which it was said that no man could be initiated unless it was by a unanimous vote; that he had to be elected before he could be initiated, and when he was elected and was ordered to be initiated then those whom the officer or chief might direct to bring him forward or to approach him on the subject were to do so.

Question. How was it explained to you as governing your conduct after you became a member of the order?

Answer. It was, as I understood it, that when they were present at a meeting they were to keep silence—just obey—something similar to the rules of any society.

Question. How was it explained as governing your action in carrying out any of the decrees of the order to whip or murder persons?

Answer. I did not understand the organization to have anything of that sort to do, and consequently there was no explanation in regard to it.

Question. How did you find it to be after you got into it?

Answer. After I became a member there were some persons who wanted to gratify some private malice or spite against other persons. I was the superior officer in the county, and it was mentioned to me. I told them that I would object to anything of the kind; that I did not go into it for that purpose, had nothing of that sort in view, and would forever put my voice against it. I told them they had taken an obligation to obey the orders of the chief, and I, as chief, would never consent to anything of the sort. Well, sir, upon that (there had been some crimes committed in the county, one or two, perhaps, and the governor of our State issued a proclamation calling upon all good citizens to disband all such organizations if such existed) in May or June I called a meeting of the different officers of the county, and disbanded them. What they did afterward, or what rule they adopted, I do not know. They may have adopted a different obligation afterward.

Question. You say you continued in the organization from October, 1868, till May or June, 1869?

Answer. Yes, sir. I think the governor's proclamation came out in April.

Question. At what time were you made commander?

Answer. The same day I was initiated.

Question. Was that the commencement of the organization in Alamance County?

Answer. Yes, sir, of my knowledge of it.

Question. Have you knowledge enough to say that that was the beginning of the organization in Alamance County?

Answer. So far as I know, it was.

Question. As the head of it in that county, would you not know all about it?

Answer. No, sir.

Question. Why not?

Answer. From the fact that persons when they commit crime or anything of that sort keep it secret.

Question. Would you not know when it was first organized?

Answer. There were other organizations; there might have been others before or afterward.

Question. By what name?

Answer. I think there was one in the county called the Constitutional Union Guards.

By Mr. NYE:

Question. That you never joined?

Answer. I was initiated sitting in my office one day, but that was all. The man talked with me about fifteen minutes, and I told him I would have nothing more to do with it.

By the CHAIRMAN:

Question. When was that order instituted?

Answer. I think he told me that was instituted earlier in 1868.

Question. What was the purpose of that?

Answer. It was a political organization in its features. My knowledge of it is very limited. I could not speak with anything like accuracy.

Question. You were initiated into it--what was its purpose?

Answer. It was to support no man for office who was not of their political persuasion.

Question. What was that persuasion?

Answer. It was democratic, or conservative.

Question. What further was the distinguishing feature of that organization, so far as you were acquainted with it?

Answer. Well, sir, I remember that a part of the obligation was that they would patronize each other in matters of business in preference to anybody else. As to their other distinguishing features, my knowledge of it is so limited that I could not speak.

Question. You say you refused to have any further connection with it?

Answer. Yes, sir; from the simple fact, as I said to the gentleman who initiated me, that I had become disgusted with secret political societies, and I would have nothing more to do with it if it was a secret political society.

Question. Was there anything in the purpose or mode of proceeding from which your conscience revolted?

Answer. No, sir.

Question. Had it the same purpose as the White Brotherhood?

Answer. The purposes were the same, except that the White Brotherhood, as I understood it, was not a political society.

Question. What was that for?

Answer. As I understood it it was to be something like a vigilance committee. If one member heard another was in danger, himself or his family, or his property being burned, &c., they were to inform each other and go to his assistance.

Question. You say that a part of the oath was that no person who was a member of the Union League or of the Grand Army of the Republic could be initiated?

Answer. Yes, sir; that was part of it.

Question. Could anybody but a democrat or conservative become a member of the White Brotherhood?

Answer. I do not know of my own knowledge. There were two members of it who were or had been members of the Union League. It was political in that feature, I think.

Question. They took an oath that they never had been members of the Union League?

Answer. No, sir; I think they had changed their politics. I do not think anybody, unless he had been known to be a democrat or conservative in politics, could have become a member. It was political that far, that it was only one party that were members.

Question. How would a member of the Union League come in if he had to take that oath?

Answer. I do not know that there were members of my own knowledge. I heard there were two men.

Question. Then the membership, so far as you know, was entirely confined to the democratic or conservative party?

Answer. Yes, sir.

Question. During the time you were in it were there any murders or whippings in Alamance County?

Answer. There was the whipping of Caswell Holt, I think, while I was a member.

Question. For what?

Answer. I do not know. I do not know that the organization did it even; because it was known to the members as soon as they joined it that I would oppose anything of that sort.

Question. Have you ever heretofore made any public statement or confession of your connection with this order?

Answer. No, sir.

Question. Is this the first time you have been called to testify in regard to it?

Answer. The first time.

Question. Did the obligation that was taken require the members to protect each other in case of danger either in court or elsewhere?

Answer. No, sir.

Question. What was the sign of distress that was given?

Answer. The word Shiloh.

Question. What was the obligation of the members of the order on hearing that?

Answer. They were to go to each other's assistance. But that word was not to be given unless they were in such a condition that they could not give the other sign, which was two slaps of the hand. The word Shiloh was given in case they were so grappled up by some person that they could not give the other sign.

Question. Did you consider the obligation you took as binding you to keep all the secrets of the order?

Answer. If you speak of being called upon by proper authority I did not. I merely considered that I was bound to keep the secrets from those who are not members, unless I was called upon by a court of justice.

Question. Have you ever been called as a witness in any proceeding in Alamance County?

Answer. No, sir.

Question. When was Outlaw hung?

Answer. In February, 1870.

Question. At that time you were not connected with the order?

Answer. I was not.

Question. Were you in Graham at the time?

Answer. Yes, sir.

Question. Have you any knowledge of the men who committed that outrage?

Answer. No, sir. I know nothing about it.

Question. Why did your connection with the order cease? Was it voluntary, or did they depose you and elect another?

Answer. I disbanded the thing voluntarily, and from that day I never knew anything more of their operations.

Question. Was there any dissatisfaction with your administration of the affairs?

Answer. Well, sir, I have heard that there was some. I do not know that it was so.

Question. What was the cause?

Answer. The simple fact that I was opposed to their proceedings.

Question. Because you would not permit acts of violence to be consummated?

Answer. That was the reason I disbanded them.

Question. Did you disband the whole, or withdraw from the organization?

Answer. I disbanded the whole order so far as my authority was concerned.

Question. Did it organize again?

Answer. I do not know.

Question. Have you heard that it did?

Answer. No, sir; I never heard that it did.

Question. You say you do not know whether it organized again in that county?

Answer. No, sir; my impression, if I may be allowed to give it, is this: That after the White Brotherhood was disbanded the crimes committed were by independent parties. Whenever there were a half-dozen or more men who had any private malice toward another, they would take advantage of the former obligation, and go and commit violence, without the knowledge of anybody except those who did it.

Question. How many men in disguise were present according to your information at the hanging of Outlaw?

Answer. I saw the crowd; it was a dark night, and they were riding rapidly. I should judge there were about sixty; there might have been not more than twenty, and there might have been a hundred. It is simply a guess.

Question. Did they obey military order?

Answer. No, sir; they were all in a bunch.

Question. Where did they find Outlaw?

Answer. I suppose they found him at home.

Question. How far did he live from the court-house?

Answer. About four or five hundred yards.

Question. They brought him to within forty or fifty yards of the court-house?

Answer. Yes, sir; I should judge about fifty.

Question. Did you go out into the crowd at the time they were perpetrating this outrage?

Answer. No, sir; I staid at my office door, which opens on the street.

Question. How far away was your office?

Answer. About one hundred and twenty-five yards from the court-house.

Question. Could you hear what was said?

Answer. I heard only one remark.

Question. By persons in disguise?

Answer. I do not know; it was in the dark.

Question. What was the remark you heard?

Answer. "Here is a good limb."

Question. Limb of a tree?

Answer. I do not know.

Question. Was he hung to a hub?

Answer. He was.

Question. Were the disguises the same that you used while in the Brotherhood?

Answer. They looked like the same—white.

Question. They were used while you were in the order?

Answer. Yes, sir.

Question. Why were they disguised?

Answer. The object was, when a person was brought into the meeting, that those who inflated him could not be known in case he refused to become a member, so that he could retire, and never know who they were.

Question. Were the other members disguised also?

Answer. No, sir; none but those who were to affiliate in the initiation.

Question. All those sixty persons that hung Outlaw had on the disguises of the order?

Answer. They had on white disguises.

Question. Such as were used while you were commander?

Answer. Yes, sir.

Question. Did you go among them and endeavor to dissuade them from hanging him?

Answer. No, sir.

Question. You know their purpose?

Answer. No, sir.

Question. You saw them about to hang him?

Answer. No, sir; I did not know what they were about.

Question. Did you go to see?

Answer. No, sir.

Question. Why?

Answer. I was afraid.

Question. Why afraid?

Answer. I thought it was safer to stay away from a band of disguised men.

Question. Recognizing the disguises as those of your association, of what were you afraid?

Answer. I was afraid if I went there they might injure me in some way.

Question. Was their appearance and conduct such as would naturally intimidate people?

Answer. Yes, sir; they were bellowing when they rushed along the street. When I opened the door and stood in it, they saw the light burning and halloed at me, "lights out." I had just waked up from my sleep and was excited. I stood still for a moment and they throw something at me. It struck the window and broke out two panes. I then put out the light and went to the other wing of the building and waked up my brother who lived in it.

Question. What was his name?

Answer. W. B. Long, a minister of the gospel and principal of the high school.

Question. Recognizing, as you say you did, the disguises of the men who hung Outlaw as the same that were worn in the order when you were commander, what is your belief as to whether they were men belonging to the same order?

Answer. I do not know how to answer that. They had, I believe, the same disguise, and it is my belief that they were members of either the White Brotherhood or Constitutional Union Guards.

Question. Known as the Ku-Klux?

Answer. Yes, sir, I believe they were Ku-Klux; they might have been Constitutional Union Guards or White Brotherhood.

Question. You believe that they were one or the other of these organizations?

Answer. Yes, sir; that is my belief; that is the general belief.

Question. If you had gone among those men do you believe you could have recognized any one of them?

Answer. No, sir.

Question. For what reason?

Answer. They were disguised; a man could not recognize his own father in that disguise.

Question. Had you a knowledge of the signs and passwords of the order of the White Brotherhood?

Answer. Yes, sir.

Question. Could you not have recognized them by those signs if you had gone among them?

Answer. I could have recognized whether they were members of the White Brotherhood; I might have discovered their voices by talking with them.

Question. If you had made a sign of recognition would you not have been safe among them?

Answer. I do not know.

Question. If not, what were you afraid of?

Answer. That they might do me some injury.

Question. Some bodily injury?

Answer. Yes, sir, of course.

Question. What effort was made, if any, to ferret out and bring to justice any one of these sixty persons engaged in that outrage by yourself or anybody else in that village?

Answer. I never made any effort; there was an effort made by the jury of inquest the next morning; witnesses were summoned, all those in town who saw the band of disguised men. The inquest lasted several hours; that was the only effort made by any person living in the county.

Question. Who was the commander of the order after you left it?

Answer. I do not know.

Question. You never learned of any of the members?

Answer. No, sir.

Question. Did you have any conversation after you left the order with any of the members?

Answer. I do not think I ever did.

Question. Did they avoid conversation with you on the subject after you left?

Answer. Yes, sir.

Question. Did you ever seek to have conversation with them?

Answer. No, sir, only thus far: whenever I met a man whom I had known formerly to have been a Ku-Klux I did all in my power by using every expression I could, telling him that if he had any influence with any of the members, and if it was they that were committing crimes, for God's sake to stop it.

Question. Did you regard it as a dangerous organization for the safety of the people?

Answer. If it was the White Brotherhood, and their principles were the same as when I joined it, I did not; if they were perverted I did regard it as dangerous.

Question. At the time you endeavored to dissuade them from these evil deeds had you any doubt whether it was that order that committed the crimes?

Answer. Yes, sir; I had no doubt they were doing some of them.

Question. Was that your reason for dissuading them from doing anything; because you did believe that the organization was committing crimes?

Answer. I believe they were committing some of them at least.

Question. Give the names of the leading men who were in the organization while you were connected with it in Alamance County.

Answer. They were James E. Boyd, W. S. Bradshaw, John R. Stockard, Clement C. Curtis, Archibald Boyd, James E. Boyd's father, Albert Munroe, Daniel Anthony, John O. Albright, Robert Hanna, and Major Lynch.

Question. Are these all men of position and influence in the county?

Answer. Yes, sir.

Question. To which political party are they attached?

Answer. All attached to the democratic or conservative party.

Question. While you were in connection with the order were you in communication with members of the same order in other counties in your State?

Answer. No, sir.

Question. Was your organization such that the various camps in the county communicated with a central county camp?

Answer. Yes, sir; I was chief of the county, and there were ten camps—nine besides my own.

Question. The commanders of those nine camps were subordinate to you?

Answer. Yes, sir.

Question. Did they report to you?

Answer. Whenever I would send for them to come to me they would come.

Question. Were they bound to come in obedience to your orders?

Answer. That was part of the obligation.

Question. How many of the camp were bound to obey your orders; only the commanders?

Answer. The commander of each camp was bound to obey me, and he held the members of his camp responsible to him.

Question. Then you were really commander-in-chief of the county; you issued your commands to the subordinate camps and the subordinate commanders to their members?

Answer. Yes, sir.

Question. Was obedience imperative upon all the members?

Answer. That was part of their obligation.

Question. To whom did you report?

Answer. To no one at all.

Question. Was there no organization in the State?

Answer. Of my own knowledge I could not speak as to that. I have heard that it was extensive.

Question. Was there any central organization to which the county organization reported?

Answer. Not to my knowledge.

Question. Had each county organization a separate commander?

Answer. That was the way I understood it. I think the Constitutional Union Guards had a central commander to whom they reported.

Question. That was a higher order?

Answer. Yes, sir; I suppose so.

Question. The county camp was subordinate to the State camp?

Answer. Yes, sir.

Question. Did you never in your intercourse with members in other counties recognize members as belonging to the White Brotherhood?

Answer. No, sir; I do not remember an instance. I remember meeting a man in the State of Arkansas who said he was a member, but I did not know it.

Question. Did he give you the signs of recognition?

Answer. No, sir; nor did I give him any signs.

Question. Who was he; what was his name?

Answer. His name was Walker.

Question. A citizen of Arkansas?

Answer. I think so.

Question. During the time you were in connection with that body was any proposition made at any time, in either the county or in a subordinate camp, about any infliction of a wrong upon members of the other party?

Answer. There was never any proposition made when I was present, and I only learned of one. There was a young man, named John R. Long, met me one day on the street, stopped me and said, "They are going to hang Caswell Holt. I laid my hand on his shoulder and said to him, 'Now I do not want you to tell me anything about who is to do it, and I want you to go, to whomever it is, and tell them for God's sake not to do it.'" I turned right off and left him.

Question. Was Caswell Holt hanged?

Answer. No, sir.

Question. Was he whipped?

Answer. He was whipped before that.

Question. Did he tell you for what reason they were going to do it?

Answer. That was all the conversation we had.

Question. Was that the first and only proposition made to you or to your knowledge while you were connected with the order?

Answer. It was the only one ever made to my knowledge, or that I ever heard of.

Question. Was it that which induced you to sever your connection with the order?

Answer. No, sir. There was once some talk in that way; somebody said they wanted to do something that way, but I invariably denounced it in the strongest terms, and they kept everything secret from me, as if I had never had connection with it.

Question. The order did not divulge to you what they intended to do or did do?

Answer. No, sir; they kept it a secret from me. I have no doubt that that young man, Long, had been counseled in some way to keep it from me.

Question. Do you believe from the manner in which Long communicated that to you that that matter had been considered and decided upon in the camp?

Answer. Yes, sir; that was the impression it made on my mind.

Question. What was the date of that?

Answer. I do not remember; it was some time after Holt was whipped by somebody in disguise.

Question. How long was it after you became commander of the order that this communication was made to you about the intention to hang Holt?

Answer. I think it was some time in the early part of 1869 or latter part of 1868.

Question. You say the impression made upon your mind at that time was, that the murder of Holt had been considered and decided upon in the camp?

Answer. That was the impression made upon my mind by his communication.

Question. You continued your connection until the June after that?

Answer. Until May or June.

Question. In the intervening four months was any communication made to you about any other intended murder or whipping?

Answer. No, sir.

Question. It was understood by the order that you were opposed to excesses, and for that reason you say they did not communicate to you?

Answer. Yes, sir; that was the impression. A young man named Dickson told me that they were cursing me.

Question. How was the order for disbanding brought about?

Answer. I sent a message to the commanders of the different camps to meet me at a certain time and place.

Question. Give the names of the commanders and the places where the camps were located.

Answer. I think Jasper M. Wood was commander of camp No. 2, located six or seven miles south of Graham; John T. Trollingier was commander of camp No. 3, situated at Company's Shops; Albert Murray was commander of camp No. 4, about seven miles north of Graham. He was then and is now sheriff of Alamance County; George Anthony was chief of camp No. 5, situated west of Graham; David Mobauc, I think, was chief of camp No. 6, situated near Moberoville, east of Graham; William Stackard, I believe, was chief of camp No. 7, in the extreme southern part of the county. I cannot recall the name of the chief of camp No. 8, situated southeast of Graham, though I know him personally.

Question. You were commander of the first, so that makes nine?

Answer. Yes, sir. There were ten camps. No. 10 was commanded by Job Fawcett.

Question. How many members were there in all the camps?

Answer. I do not know.

Question. Did they not report to you?

Answer. No, sir.

Question. Have you any knowledge on that subject?

Answer. I could give you a guess.

Question. What is your belief as to the number in the county?

Answer. Well, sir, at the time it was disbanded I think it numbered about two hundred; it might have been as high as three or four hundred, or not so many.

Question. When you met, what was the process of disbanding?

Answer. As soon as they were present (I think nearly every camp was represented) I told them that if it was their members that were committing these crimes they must stop it, if it was possible to do it; and that then and there I would tell them as chief of the county that the organization known as the White Brotherhood was forever disbanded, and that my connection with it would cease right there. It was agreed to by all but one or two. They agreed to disband their camps and cease initiating members.

Question. Which two would not agree to it?

Answer. I think Fawcett was one, though I am not certain; the other I do not remember.

Question. That was all there was of the disbandment?

Answer. Yes, sir; it was done in a few moments.

Question. Now, I understand you to say that the Constitutional Union Guards continued on after that?

Answer. It was after that I was initiated in the Constitutional Union Guards; it was in December, I think, 1869.

Question. And you believe their purposes were about the same as the White Brotherhood?

Answer. Yes, sir; except it was more rigid in its discipline.

Question. Did it carry out the decrees for whipping and murder?

Answer. I do not know.

Question. Were you initiated far enough to know anything about that?

Answer. I was sitting in my room, and the gentleman who initiated me sat down by my side. We talked about half an hour during the recess of the court. When he got through and rose up, I told him that I was disgusted with secret political societies, and would have nothing to do with it, and what he had told me satisfied me.

Question. What was the gentleman's name?

Answer. James A. J. Patterson.

Question. In that few hours' talk did he say anything about whipping and outrages?

Answer. No, sir; it was merely talking about the organization as it existed.

Question. Did he say anything about its purposes affecting the colored people?

Answer. There was a part of the obligation that required them to support no man for office who was not in favor of the Constitution as it is; meaning by that that they would support no man that was in favor of elevating the negro to political equality with the white man.

Question. Did that refer to the constitution of North Carolina?

Answer. To the Constitution of the United States, as I understood it.

Question. Did you understand that they denied that the constitutional amendment adopted after the war was a part of the Constitution of the United States? Was it explained to you that, by the Constitution as it is was meant the Constitution without that amendment?

Answer. No, sir; there was no explanation about that.

Question. State in your own language what you understood to be meant by the Constitution as it is.

Answer. I wish I could remember the obligation; it ran somehow in this way: that you will patronize all the members of this organization in preference to others; that you will support no man for office who is not in favor of the Constitution as it is, and who is not opposed to elevating the negro to an equality with the white man; meaning thereby, as I understood it, political equality, giving him the same political rights that the white man enjoyed. That was the substance; I cannot remember the words precisely; it was what I understood it to be.

Question. Was that clause which required them not to support anybody who was not in favor of the Constitution as it is, introduced in reference to the proposed constitutional amendment at that time?

Answer. I do not know.

Question. Had it any reference to the constitutional amendment with regard to suffrage; was any such explanation made of it?

Answer. No, sir.

Question. Were you present at any of the examinations in regard to outrages committed in your county before justices on writs of habeas corpus?

Answer. No, sir.

Question. Where were you at that time?

Answer. I was in the State of Arkansas.

Question. Why did you go there?

Answer. I left North Carolina on the 27th of July to escape being arrested by the militia and tried by court-martial.

Question. Was that in consequence of your having been a member of the organization?

Answer. Yes, sir; I received information from one of the commanders of the militia that my name was on the list and that I would be tried by the military court; and as soon as I heard that, I went to Arkansas.

Question. Which one of the commanders of the militia?

Answer. His name was Clark.

Question. Was he captain in the militia that were sent there?

Answer. He was colonel of the first regiment. George W. Kirk was colonel of the second.

Question. Was Clark colonel of the State troops?

Answer. Yes, sir.

Question. Was the information communicated to you for the purpose of enabling you to escape?

Answer. Well, sir, we happened to be members of the same fraternity of a different name, and he knew I was an innocent man; I suppose it came that way.

Question. Through what fraternity?

Answer. The Masons.

Question. And in pursuance of his information you escaped?

Answer. He told a brother Mason that I would be arrested, and it was their purpose to try me by military court.

Question. Have you been present at any trial in North Carolina of any party charged with Ku-Klux outrages?

Answer. Only once.

Question. What was that?

Answer. Some negroes, who said they were Ku-Klux, were tried in the superior court of Alamance County, convicted and sentenced to the penitentiary for six years. The leader applied to me to defend him on the trial; I was present at the time but made no appearance.

Question. Could negroes be admitted into any order of Ku-Klux that you had any knowledge of?

Answer. No, sir.

Question. Were these negroes actually members of a Ku-Klux organization?

Answer. Well, they so represented themselves; they said they were organized and did whip three men one night.

Question. Was there any other instance in Alamance County of negroes whipping persons in that way?

Answer. If there was it never came to light.

Question. Were there not from sixty to a hundred instances in the county of Ku-Klux whipping and injuring persons?

Answer. As to my own knowledge I cannot say.

Question. What do you believe?

Answer. I believe that there were a great many; I do not know that there were that many.

Question. Have you heard the statement of Mr. Hadden, a magistrate of Alamance County, taken before the judges on the habeas corpus cases as to the complaints that came before him?

Answer. No, sir.

Question. From the means of information you have in the county, how many cases of whipping and murder have been committed by men in disguise, in your belief?

Answer. There have been two murders in the county by disguised persons; as to the number of whippings I do not know.

Question. Have you not heard of a great many?

Answer. Yes, sir; a great many.

Question. Has there been a single instance in which any of them have been tried?

Answer. There has never been a trial in the superior court of anybody except those three negroes.

Question. They were convicted?

Answer. Yes, sir.

Question. To what party did the persons whipped belong?

Answer. The principal part of them belonged to the republican party; there were some who belonged to the democratic party.

Question. Who were they?

Answer. I think there was a Mr. Siddle.

Question. By whom were they whipped; by men in disguise?

Answer. Yes, sir.

Question. White or black?

Answer. I do not know.

Question. Were they disguised as Ku-Klux?

Answer. Yes, sir, the negroes and all wore some disguise.

Question. What was this man whipped for?

Answer. For some indecent expressions before some ladies; at least that was the rumor. The same rumor that brought the news of his whipping brought also what it was for, as in every other case except the hanging of Outlaw and the drowning of Puryear.

Question. Was there any other member of the conservative party whipped except him, that you know of?

Answer. I do not remember any case.

Question. From what you have seen of the operations in that county since you ceased your connection with the White Brotherhood do you, as a lawyer, believe it is possible to bring members of that organization or of the Constitutional Union Guards to justice in that county before a court?

Answer. Yes, sir, I do.

Question. In what manner?

Answer. Just the same as you would bring anybody to justice for the commission of any crime.

Question. Do you believe that the members of the organization would not commit perjury on a trial to screen their fellow-members from conviction and punishment?

Answer. As a general thing I do not believe they would; there may be some men who would commit perjury. Take a large body of men of any class and there are those who would commit perjury.

Question. How do you account for the fact that there was no trial of these Ku-Klux?

Answer. As I said before, it was done by independent squads, and they kept their secrets.

Question. How many were there generally in a squad?

Answer. I do not know. The impression made on my mind whenever there was a case of whipping, or reports that they were about to whip some one, was, that they were in squads of from five to ten.

Question. Have you had intercourse enough with the members of the White Brotherhood and Constitutional Union Guards since you left them to know how they regarded the obligation of their oath to defend each other in distress?

Answer. No, sir.

Question. Have they kept shy of you?

Answer. I kept shy of them; I have had no communication; I did not seek any.

Question. You have given two signs by which you were to know when your brethren were in distress—two claps of the hand and then the word Shiloh—what were you to do then?

Answer. If we heard two claps of the hand or Shiloh we were to go to the assistance of the member.

Question. What were you to do when you got there?

Answer. Assist him if he was in danger.

Question. If he was in danger of arrest?

Answer. No, sir.

Question. What then?

Answer. If he was in danger; if two or three men were imposing upon him.

Question. Do you mean to say that there was no understanding by which negroes were to be intimidated from going to the polls, or that the leading negroes were to be so alarmed as to make them cease their influence?

Answer. That is no part of the organization as I understood it.

Question. Was that its effect upon these people?

Answer. I never heard of an instance of a man being kept from the polls on account of anything done by that organization.

Question. You say being kept from the polls; you mean at the polls?

Answer. Yes, sir.

Question. Did you mean to say that by virtue of this organization a part of the

duty of its members was not to intimidate the weak so as to make them fearful of the consequences if they did exercise their influence?

Answer. No, sir, that was no part of it.

Question. But you say that you were yourself intimidated?

Answer. I was, from going to them when they were in disguise.

Question. Had you any doubt at that time that they were going to commit some depredation?

Answer. I do not know what they were up to; I had no idea.

Question. Was there anybody in the township who attempted to save this man Outlaw?

Answer. Nobody that I know of.

Question. Was there a hand or voice raised, to your knowledge, for his salvation?

Answer. Not that I know of.

By Mr. BLAIR:

Question. You say the night was dark; did you see the negro?

Answer. No, sir.

Question. Did you see anybody that you had any right to suppose any violence was to be inflicted upon?

Answer. No, sir.

Question. Did anybody you know in the township, know that that outrage was being perpetrated?

Answer. Nobody that I know of.

Question. Then how could anybody have interfered to prevent an outrage that no man knew was going on?

Answer. That was precisely the reason; not only was I afraid to go into such a crowd, but I did not know that they had anybody there.

By Mr. NYE:

Question. Did it not occur to you when they broke your windows that they were about to do something wrong?

Answer. No, sir; no more than——

Question. Is it usual for men to throw stones through a window?

Answer. No, sir; what occurred to me was just this: that they did not want a light there, when they ordered me to put it out; for what purpose I cannot tell.

Question. Are you in the habit of putting out your lights when people tell you?

Answer. No, sir. I did not do it then until they threw something at my window.

Question. Did it occur to you that they were committing some outrage?

Answer. No, sir. This is what I thought: In the town of Company's Shops, about a month or two before that there had been a flag stuck upon the railroad, as I understood, and——

Question. What was on the flag?

Answer. I heard that there was a picture of a man, a pistol, and a coffin. I never saw it.

By the CHAIRMAN:

Question. When you recognized the disguises of the order that night, did it recall to your mind the proposition that had been made to you in regard to the murder of Caswell Holt?

Answer. No, sir. I never thought of such a thing.

By Mr. NYE:

Question. Go on and finish your answer to my question, about what you thought they were doing?

Answer. When they passed my room, I woke up my brother in another part of the house; then an old gentleman living in the town came around wrapped in his blanket. I remarked to him, "I do not understand why these men are in disguise." "Well," says he, "I reckon they are going to treat us as they did at Company's Shops." Said I, "How is that, stick up a flag here?" He said, "I reckon so." By that time they had just passed down the street, and he and I walked out to within twenty yards where the body was found the next morning, looking to see if there was a flag. We saw nothing and came back. He said, "I reckon they are only bullying around." I went home and went to sleep, and in the morning I found that Outlaw had been hung.

Question. Nobody in the town knew until the morning that Outlaw had been hung?

Answer. I do not know. It was done at a late hour of the night.

Question. How long were they in town?

Answer. I do not know; the noise first awoke me.

Question. How long were they about there?

Answer. I reckon about twenty minutes.

Question. No one went to see what they had done?

Answer. No one except this old gentleman and myself, that I know of.

Question. The order was in existence, I take it, when you were initiated?

Answer. It was in existence in Guilford County.

Question. Were you the first member of the order in Alamance County?

Answer. The first that ever I know of.

Question. Were those different camps in the county all organized by you?

Answer. Yes, sir.

Question. Did they have to get permission from you?

Answer. Yes, sir. I located each one of them.

Question. Did you ever hear of these Ku-Klux stealing horses and mules of the negroes?

Answer. No, sir. (Laughing.)

Question. Were you ever in Lenoir County?

Answer. Yes, sir.

Question. Did you visit the order there?

Answer. No, sir. I did not know a member in that county. I only visited there on a pleasure trip once with some ladies.

Question. Did it exist there?

Answer. I cannot tell you. I do not know any more about Lenoir County than about Washington.

Question. Do you not frequently hear now of outrages committed by disguised persons?

Answer. Now?

Question. Within a short time past?

Answer. No, sir; there has not been one committed in the county, that I know of, for some time past.

Question. What was the object of these disguises?

Answer. It was so that when a person came into the camp to be initiated, if he did not choose to be initiated, he could retire, without knowing the persons initiating him.

Question. Do you mean that they never initiated anybody without the disguise on?

Answer. Those who initiated never did it without the disguise on, unless the man approached voluntarily; then they could do it without the disguise. I have initiated a man in my own room sitting by the fire. If a man expressed himself favorably to the organization as it existed at that time, he would take the obligation at once and I proceeded to initiate him just there; but when they held a meeting no person officiated without a disguise.

Question. Was it your duty to rescue a man whatever he had been doing in a political way, if he gave the sign of distress?

Answer. No, sir. As I understood it, the word was never to be uttered unless you were so grappled by some person who was trying to impose upon you or abuse you in some way that you could not give the other sign.

Question. Suppose, for instance, one Ku-Klux had abused another, and the other should cry out "Shiloh," what would be your duty?

Answer. He would not get any assistance.

Question. Why not; if he was about to be overpowered?

Answer. If he was to blame, I would let the other go ahead.

Question. Without stopping to examine into the reason?

Answer. Yes, sir. If a person voluntarily gets into a difficulty and he is to blame, why, let him work it out.

Question. You were to try the question there?

Answer. The parties were to determine it for themselves.

Question. Would you not be obliged to go to the rescue on hearing the word "Shiloh"?

Answer. Only just as I have told you; if a person was being imposed upon by somebody, wilfully, and not because he had provoked it, then I would be obliged to go; but if he had provoked it I would not.

Question. How was that to be determined?

Answer. They were to determine it in their own minds.

Question. Did you ever know of the word being used?

Answer. No, sir; I never heard it used in my life.

By the CHAIRMAN:

Question. What were the officers in the different camps besides the chief or commander?

Answer. In each camp there was a first lieutenant if the chief was not present, and if the lieutenant was not present, then any member.

Question. Then in each camp you had a commander and first lieutenant?

Answer. Yes, sir.

Question. Had you a secretary and treasurer?

Answer. No, sir.

Question. You took no man's name?

Answer. No, sir.

Question. Kept no record of your proceedings?

Answer. None at all.

Question. Was it the policy of the order to keep secret the fact that they were members of it?

Answer. Yes, sir.

Question. Was it to be denied?

Answer. Yes, sir; if a man was asked if he was a Ku-Klux, he was to say he was not.

Question. If he was asked it in court, on the witness-stand, how would he answer?

Answer. He would, of course, have to answer yes.

Question. Was it a part of the order, that when they were asked the question they were to deny it?

Answer. Not upon the stand; I should never have so regarded it.

Question. Your construction of the oath does not seem to be accepted by the order?

Answer. They might have had a different understanding.

Question. You are giving your individual construction of it?

Answer. My own knowledge.

Question. Your construction of the oath was such, that you were not acceptable to the order?

Answer. That is what one man told me, that I was not acceptable to the order.

By Mr. BLAIR:

Question. You say there were no judicial proceedings, except the coroner's inquest, in reference to the murder of Outlaw?

Answer. None that I know of.

Question. Were not the judges in that county all radicals, or republicans?

Answer. Yes, sir.

Question. Was not the prosecuting attorney a radical?

Answer. Yes, sir.

Question. Was it not the duty of that officer to have instituted the necessary proceedings?

Answer. Of course it was.

Question. Was it anybody else's duty, except what is due from every ordinary citizen?

Answer. Of course not.

Question. If, therefore, there was no effort made in that direction, does not the fault lie especially upon those radical judicial officers?

Answer. I should think so, of course. The condition of Alamance County has never been such that if any judicial officer would send for a witness he would fail to get him.

Question. Was it not a law of your State also, that if a fair trial could not be had, the solicitor or judge could order the party to be tried in another county?

Answer. Yes, sir; it could be removed to any other county in the State.

Question. Have you been a reader of the newspapers of the country, generally, in North Carolina, and throughout the United States?

Answer. I have been a pretty general reader of the news.

Question. In your opinion, how does the amount of crime and outrage, as reported in the papers to have been committed in other States, compare with that which is reported in the county of Alamance and the State of North Carolina?

Answer. I believe there is no State and no county in which there is less crime than in the State of North Carolina and county of Alamance.

Question. Did the respectable people of any party uphold the outrages committed there?

Answer. No, sir; every man denounced it, that was a man, openly, and we held meetings several times, and called on every man to use his influence against the commission of crime.

Question. If the judicial officers of the county had discharged their duty, could not all the authors of these crimes have been brought to justice, and the crimes themselves suppressed, as well there as in any other part of the country with which you are acquainted?

Answer. Yes, sir, I think so.

Question. You have spoken of the Loyal League, and you have said that the oath taken in the White Brotherhood was to the effect that no member of the League, and of certain other organizations mentioned, should be members of the White Brotherhood. When were the Loyal Leagues first organized in North Carolina?

Answer. I do not know the date. They were in existence at the time this was organized.

Question. They preceded it?

Answer. Yes, sir.

Question. Was the Loyal League organized in Alamance County before you became a member of the White Brotherhood?

Answer. Yes, sir.

Question. Was it not understood generally that the Loyal League was a political organization?

Answer. Oh yes, sir.

Question. Did they not bring to bear this influence, and use intimidation to overawe the negroes to prevent them from voting the democratic or conservative ticket? Was not that the general belief?

Answer. Yes, sir; they always kept a man at the polls in every precinct, to report such negroes as voted the democratic ticket back to the League again, that they might be punished for it.

Question. Do you know of any negroes who were disposed to act with the conservative white people, but who were deterred by the influence of threats and intimidation from this Loyal League?

Answer. I have heard of several cases—I do not know them to be facts of my own knowledge—where negroes were so deterred, and ran away from the polls after coming there to vote.

Question. Have you ever had any conversation with negroes in which they expressed themselves as inclined to support the conservative ticket, and represented that they were deterred by these combinations among the negroes?

Answer. Yes, sir; several negroes applied to me to go with them to see that there was nobody interrupted them on the way to the polls and back. They said they were afraid. I went on several different occasions that way.

Question. After the war closed and for some time subsequent, were not the emancipated negroes in great numbers disposed to be idle?

Answer. Oh yes, sir.

Question. Did they not commit a great many crimes, such as theft?

Answer. There was endless amount of theft, and a great many cases of rape.

Question. That grew out of their idleness and improvidence?

Answer. Yes, sir; killing around from place to place.

Question. By whose influence were they drawn into these leagues?

Answer. I only know what I have heard some of them say—that it was through the influence of some white men in the country.

Question. Generally men from the North?

Answer. Yes, sir; in the district in which I live they represented that a W. Tourgee was the man that started it there, and that through his influence the leagues were organized.

Question. Was he a northern man?

Answer. Yes, sir.

Question. For what purpose did he organize it?

Answer. They said for the purpose of carrying the republican ticket in the district.

Question. Was he himself a seeker for office and position?

Answer. Yes, sir; he represented Guilford County as a delegate in the constitutional State convention.

Question. How long had he been in North Carolina when he went to that convention?

Answer. I do not know; but a short time.

Question. Since the war?

Answer. Oh yes, sir; he was a captain, I think, in the United States Army, and returned there after the war.

Question. You say there was one instance where some negroes, who represented themselves to be Ku-Klux, were arrested and punished for whipping; whom did they whip?

Answer. They whipped three negroes.

Question. For what?

Answer. I can tell you what they told me. The leader was a preacher, and he told me their object was to go around at night and whip certain negroes as if they were white men, and then a few nights afterward come around and tell them it was white men who did it, so as to get them to come around and join them.

Question. The object was to band the negroes against the white men on the ground of these alleged outrages, accusing the white men of committing the crime which they themselves had committed?

Answer. That is what he said; but one of the other boys, who was convicted at the same time, made a statement which did not exactly agree with the leader's statement. He said they whipped the other negro because he had got some members of his church to leave and join his. I merely give it as he gave it to me. The leader said he had six or eight in his squad, or clan, as he called it, and that there was another larger one in or around Graham. I tried to make him give the names, but he would not do it. He said there was a white man at the head of it.

Question. From what you know yourself, and from information derived from others, do you believe that many of the outrages alleged to have been committed by the white Ku-Klux were committed by the negroes?

Answer. Well, no, sir; from all the information I have, the general impression in the county is that the principal part of them were committed by white men; but the impression exists that a great many were committed by the negroes themselves.

Question. With a view of making an impression that they were done by white men?

Answer. Yes, sir; saddling it upon the other side.

Question. Were those whippings generally inflicted because of some alleged crime on the part of those who were whipped?

Answer. Yes, sir, universally, except the hanging of Outlaw and drowning of Puryear. I never heard them charged with any crime of very recent date.

Question. It was generally for some larceny or alleged crime?

Answer. Yes, sir; or indecent exposure.

Question. Was it not said that Outlaw had shot at the Ku-Klux when they passed through?

Answer. Well, sir, that impression exists in some parts of the country, but not, I think, around Graham. There were one or two negroes who did shoot at them on a former occasion, at least so it was said.

Question. What was supposed to have been the motive for the murder of Outlaw?

Answer. I have never heard of but one attempt at solution, and that was that he had recognized some of the parties who came for him, and that they hung him in order to cover it up. I do not know that that had any foundation.

Question. Were you raised in Alamance County?

Answer. Yes, sir.

Question. In the last election held in that State was there not great anxiety and apprehension felt and expressed by the people in reference to the profligacy of Governor Holden's administration and the previous legislature in the expenditure of money, and in the emission of an enormous amount of bonds?

Answer. Yes, sir; there was great feeling through the country that they had been extravagant, and that the State was bankrupt.

Question. And that all this had been brought on by the profligacy and want of principle of Holden's reconstruction government?

Answer. Yes, sir.

Question. Was not that impression or belief so universal in the State as to make that a very important issue in the election?

Answer. Yes, sir.

Question. Did not many who had previously voted with the republicans go over to the democrats in the last election?

Answer. Yes, sir; thousands.

Question. You say the State was brought to the verge of bankruptcy and ruin?

Answer. Yes, sir; the bonds have become a byword.

Question. The people feel entirely unsafe as to the possession of property?

Answer. Yes, sir; they felt that if the next legislature did no better they were ruined, and they would be bound to leave the country in order to live.

Question. What individuals were regarded as most prominent and active in this robbery of the State?

Answer. General Littlefield, Mr. Swepson, Governor Holden, and a number of others were regarded as the leaders in it; that they bribed legislators, and legislators were in the ring with them.

Question. Was it or not the general feeling in the State that this was brought about by the fact that Holden's government and legislature were utterly irresponsible people?

Answer. Yes, sir; that was the general feeling.

Question. That it was a thing brought upon them by the legislation of Congress in disfranchising a large class of the best and most influential men of the State?

Answer. Yes, sir; that was a general feeling in the State.

Question. Did not this fact give a greater feeling of apprehension and anxiety than anything that occurred?

Answer. Oh yes, sir; that superseded everything.

Question. Of individual outrage, or anything of that kind?

Answer. Yes, sir.

Question. What amount of money was squandered, or added to the State debt?

Answer. I think there were bonds issued to the amount of \$20,000,000. The former debt was about \$10,000,000, I think, according to the recent statement of the auditor of the treasury. The legislature, when it convened, immediately voted \$30,000,000 of appropriations, and issued their bonds. But there was \$10,000,000 declared to be unconstitutional by writ of injunction, and that reduces it to about \$20,000,000.

Question. What was the conviction of the people of the State, so far as you had the means of knowing, in regard to the continuance of this government by Holden, and that class of people who had held power in the State; if they had continued to hold the power, would property have been worth having in North Carolina?

Answer. No, sir; the people regarded that if the legislation was continued, the men of property in the State would be forced to leave it, and sacrifice all they had.

Question. It would amount to confiscation of all the property in the State?

Answer. Yes, sir; just as well take it all at once; take it at the assessed tax valuation, and it would not pay the debt.

By Mr. RICE:

Question. You say if the radical judges and officers had done their duty, they could have enforced the laws against those who committed these outrages?

Answer. Just as well as it could be done anywhere.

Question. I will ask you as a lawyer what course you would have pursued as judge or prosecuting attorney to have brought to justice those men that murdered Outlaw? How would you have got at the recognition of the parties in the disguise you described?

Answer. I would have summoned every man in the town that I suspected of knowing anything about it before the grand jury, and put him on his oath.

Question. Were they not before the coroner's jury?

Answer. There were a great many men in the town summoned before the coroner's jury.

Question. None know anything?

Answer. None know anything.

Question. Do you suppose there was a man in the town who knew a single one of these parties who committed the act, unless it was Outlaw himself, who was killed?

Answer. I do not suppose there was.

Question. Then your course would have failed in that prosecution?

Answer. Of course, from the simple fact that you could not find out the fact.

Question. Then the fact of their disguise baffles the law?

Answer. It baffles it that far.

Question. So that you cannot bring them to punishment even if the radical officers did do their duty?

Answer. Of course you could not bring a man to punishment unless you could find out those who committed the crime.

Question. That is a pretty plain case.

Answer. Exactly, and what I stated to the gentleman on my right, (Mr. Blair.)

Question. Then it was not the fault of the radical officers that the parties were not brought to justice?

Answer. The fault lies in this: Nobody knows who did it. I have already stated that if they had done their duty, they could have brought the parties to justice the same as in any other case.

Question. If they could have found them?

Answer. Just the same.

By Mr. BLAIR:

Question. Did they make any effort to find them?

Answer. I do not know. There was a court held after the hanging.

Question. Was it given to the grand jury?

Answer. Yes, sir.

Question. Were any witnesses examined?

Answer. I do not know. I do not remember that there were.

Question. Were there not some disclosures made afterward by a man by the name of Boyd, who stated that one Bradshaw was present among the disguised men?

Answer. I think that came out in the cases before the supreme court under the writs of habeas corpus.

Question. Was he ever summoned by the radical judge?

Answer. We have never had a court since that disclosure.

By the CHAIRMAN:

Question. With which party do you act in the State?

Answer. I am a democrat.

Question. How many members of that organization were soldiers in the rebel army, so far as you know when you were in that organization?

Answer. I could not speak with anything like accuracy; there were some members who were in the rebel army. I was in it myself.

Question. Were a majority of those that you recognized in the order soldiers in the rebel army?

Answer. Yes, sir; a majority of all our men were in the army.

Question. These were young men who had been in the military service?

Answer. There were a great many old men in it, too.

Question. Do you know E. M. Holt, who lives within seven miles of your place?

Answer. Yes, sir.

Question. Was he in sympathy with your organization—did he give it countenance and encouragement?

Answer. There is a distinction: he never gave any countenance to any crime, and I never heard him say that he even sympathized with the organization, as I understood it, of the White Brotherhood.

Question. How did you count him—with you or against you?

Answer. I always accounted him as a democrat died in the wool.

Question. Was he with you, or against you, in the party organization?

Answer. I do not know; I do not think he ever countenanced any crime.

Question. That is not the question. Taking the purposes of the organization as you stated them to be, was he in sympathy with your purposes, or against them?

Answer. He was in sympathy with the purposes as I understood them, but as much opposed to the commission of crime as any man in the world.

Question. But with the political purposes of your organization as you understood them, apart from the crimes you understood him to be with them?

Answer. The organization had no political purpose.

Question. What was it organized for?

Answer. It was something like a vigilance committee, as I stated some time ago.

Question. I understood that you were opposed to the exercise of any acts as a vigilance committee?

Answer. I was opposed to committing any crime. I said the object was, if any member found another member in danger he was to go to his assistance.

Question. Are not its objects stated in the oath that was administered?

Answer. I reckon that would be an index to it.

Question. Is there anything political in that?

Answer. The only political feature that I could discover was, that they were all members of the same party.

Question. What were they to accomplish by that?

Answer. They were not to allow any members of the other party to join them. We did not take any obligation that we would support this, that, or the other man for office.

Question. What, then, was the order to accomplish?

Answer. It was to accomplish this, as I said before: If any member found out that another member, or his family; or property, were in danger, he was to inform them of that danger, and, if necessary, go to their assistance. That was the grand thing that induced me to join it.

By Mr. BLAIR:

Question. Did this have any reference directly to the state of affairs you have described, in regard to the negroes having been thrown loose, and being in the habit of pilfering and committing crimes against property?

Answer. That was the prime cause that started it.

By the CHAIRMAN:

Question. That protection was confined to the democratic party?

Answer. Certainly, because we thought it was the part of the other party to allow—

By Mr. BLAIR:

Question. To encourage it?

Answer. Encourage it.

By the CHAIRMAN:

Question. Where negroes were charged with crime, was there any difficulty in bringing them to justice?

Answer. No, sir, if you got hold of the proper evidence.

By Mr. BLAIR:

Question. Did not the governor pardon a great many?

Answer. It was so stated in the newspapers. I never saw any instance.

By the CHAIRMAN:

Question. Do you know of any instance in which he pardoned any in your county?

Answer. No, sir; none in Alamance, that I know of.

Question. In your county, where negroes were found to have stolen or committed violence, was there any difficulty in bringing them to justice in the courts?

Answer. None in the world, if you could get hold of the proper testimony.

By Mr. BLAIR:

Question. Was it not regarded as important to have any information of attempts at injury, and thus prevent it, rather than prosecute and punish the negroes after they had committed the offenses?

Answer. Of course, that was the object. The law was changed so that whenever you found anything gone there was no way to punish them. There was no penitentiary and no corporal punishment, nothing but the jail for the offense.

By the CHAIRMAN :

Question. This organization, therefore, considered their mode of punishment as taking the place of former corporal punishment, and thus supplying a defect in the new constitution ?

Answer. No, sir, the organization did not. Those who committed the acts, I suppose, regarded the corporal punishment as necessary.

WASHINGTON, D. C., February 22, 1871.

G. W. Brooks sworn and examined.

By the CHAIRMAN :

Question. Please state your residence and occupation.

Answer. I reside in Elizabeth City, Pasquotank County, North Carolina; I am United States district judge for the district of North Carolina; prior to my appointment I was a member of the bar.

Question. How long have you lived in the State ?

Answer. I was born and raised in the county in which I now live.

Question. What opportunities have you had for judging of the condition of the people of North Carolina as to the security of person and property for the last few years since the war ?

Answer. The opportunities afforded me have been only such as are afforded to citizens generally, except the difference which would naturally arise out of the position I now occupy. I have been holding the Federal courts in the State.

Question. Either from that information as a citizen or from information derived from your official capacity, have you knowledge of the existence of any secret organizations in North Carolina, political or otherwise, which have interfered with the security of person and property ?

Answer. I cannot say that I have any positive knowledge. From what I have learned from the investigations that I have read and in which I have participated to some extent officially, I have formed an opinion.

Question. Based upon the facts developed in those investigations ?

Answer. Yes, sir, and from information gathered otherwise.

Question. Give us your opinion.

Answer. I think there has existed in one particular section of the State an organization political in its character to some extent; it may not have been so wholly in its objects and purposes. I think that outrageous violations of law were committed by an organization, and the impression created in my mind, amounting to belief, is, that they existed in Alamance County, in that immediate region.

Question. Did it extend to any other counties in the State ?

Answer. I am not able to say positively. I have an opinion that it did; that there may have been members of the organization beyond the limits of Alamance. I think, however, that the facts and circumstances upon which I base the opinion I express would not lead me to the conclusion that it did exist affirmatively.

Question. To what extent, in your belief, did the existence of that organization interfere with the administration of justice in that county ?

Answer. Well, I have not formed so positive an opinion in regard to that. I have not been able to do so. My impression has been all the while that if a more prudent course had been adopted than was adopted by the authorities, the law could have been administered.

Question. You mean in Alamance County ?

Answer. Yes, sir; at least if the parties could not have been convicted and punished, the continuance of the outrages would have been suppressed, and I think promptly suppressed.

Question. In what way ?

Answer. In the way in which they were suppressed in another part of the State.

Question. How was that ?

Answer. You will find that opinion expressed in Governor Holden's message to the legislature. There were outrages being committed in another section of the State, about 100 miles distant from Alamance, earlier than these outrages.

Question. In what county ?

Answer. Lenoir, mostly, and in Jones, about the central eastern portion of the State. The State judge there issued warrants, parties were arrested, and up to the last accounts I received I think there was no conviction. Some cases have been tried, and I think some remain to be tried in the State courts. In the message of Governor Holden,

after the investigations by that judge and the binding over of parties to answer the charges, I understand him to say that those outrages were promptly suppressed, and they were not complained of afterward, so far as I have heard.

Question. Does the difficulty lie in identifying and securing the perpetrators, or does it lie also in the oaths and obligations by which they are bound together after the parties get into court?

Answer. If there is difficulty in identifying, it arises out of this obligation that they speak of, in my opinion. I have never heard much in regard to the character of the obligation from any source except from the governor of North Carolina, in conversation with him. From what I have gathered from him I have supposed it was an opinion of his in regard to its character.

Question. Was the character of the oath disclosed in the investigation before you in the habeas corpus cases?

Answer. No, sir, there was no effort at defense, at least there was no motion made before me to further detain the parties, or most of the parties, for whom I issued the writ. It was stated by counsel that they desired to make no motion remanding or further detaining these parties—that they had no legal evidence upon which they could base such a motion.

Question. State the manner in which the application came before you for the prisoners held by Colonel Kirk.

Answer. My understanding of it was that it was by a formal petition prepared by counsel in the name of those parties, alleging that they were unlawfully arrested and detained.

Question. The usual form of petition in habeas corpus cases?

Answer. Yes, sir. I think the form was fully complied with in these cases in such a way as to leave me no discretion, so far as issuing the writs was concerned, under the act of Congress of February, 1867.

Question. Did the return to the writ of habeas corpus by Colonel Kirk set forth, in your opinion, sufficient ground for declining to bring the prisoners before you?

Answer. His return, under oath, stated that the parties had been arrested by order of Governor Holden, and were accused, some of them of conspiring to overthrow the State government, others of burning school-houses, and others of murder. I think those were the three charges, not all against any one, but, against some, there was more than one charge.

Question. Did he give as his reason for not bringing the prisoners before you the simple fact that they were so arrested, or did he state that previous writs had been served on him in the State courts?

Answer. Yes, sir. There were twenty odd persons, I think, for whom I issued writs, as to whom he made another additional return stating that he did not produce them because, on the day previous to that on which he was required to make the return to the process I had issued, he had made a return to the chief justice of North Carolina, under writs previously issued and served.

Question. Did you deem that a sufficient return and act upon it as such?

Answer. Well, sir, upon that return the counsel appearing for the prisoners insisted that it was insufficient and moved for an attachment against Colonel Kirk. You will find the opinion which I prepared in this book which I have here. I held that that was sufficient and refused the attachment. I held that the jurisdiction of the chief justice was concurrent with mine, and that the return to him was an answer to my process.

Question. Were any prisoners, therefore, brought before you at all in obedience to your writs?

Answer. I cannot remember the number, exactly, but think there were some fifty or sixty.

Question. You say as to them, that there was no demand made for their being remanded into custody?

Answer. No, sir; I will state in reference to some of them: Ten days were allowed by the statute after the service of the writ—the distance exceeding one hundred miles. On the tenth day Colonel Kirk came, as I was informed, with a part of the prisoners. His counsel came into court at a late hour. I had arrived, myself, from another place, where I had been holding court. The counsel made a motion for further time, on the ground that Colonel Kirk had recently arrived, and the counsel appearing for him had not had time to consult and prepare his return. I granted the motion. The next day the counsel came in and stated that in reference to the larger number of the prisoners they had no evidence to offer upon which they desired to base a motion for remanding or further detaining them. But, in reference to some of them, they asked for further time in which to procure testimony. That was the expression—procure. That motion I refused, upon the ground that from the time of the service of the writs they had had ample time, and upon the further ground that it had not been stated by the counsel that they knew of any testimony which they could produce upon which to base that motion.

Question. Then there was no hearing before you in the case of any one for whom you issued the writs, which would disclose the existence of any organization?

Answer. No, sir. I will state further, that upon the motion to attach Colonel Kirk, (this was made at Salisbury, one hundred and thirty miles west of Raleigh,) upon the suggestion of counsel representing Colonel Kirk and Governor Holden, as I understood it to be, I refused the motion, but granted a rule against Kirk to show cause why an attachment should be issued, and adjourned, so as to have the question fully argued at Raleigh. When that rule was argued at Raleigh, one of the counsel, who was not present at Salisbury, the attorney general of the State at that time, stated distinctly that no evidence had been offered upon which they would base a motion to remand the parties, upon the ground, as he held, that I had no jurisdiction to issue the writs.

Question. Then the hearing of these cases was before the State Judges altogether?

Answer. Yes, sir; not before me; that is to say, there was no investigation before me of alleged outrages--no testimony offered or heard.

Question. Have you ever been in the counties of Orange, Alamance, Lenoir, and Jones?

Answer. I have only been through them.

Question. Do you know enough about them to satisfy yourself in regard to the existing state of things there growing out of the existence of these organizations?

Answer. I have not been in those counties in such a way as to give me any advantage in obtaining information of that character over any other citizen. I have only passed through them in going to hold courts twice a year through Lenoir and Jones, and annually through Alamance and Orange.

Question. From your information in regard to those counties, derived from intercourse with members of the bar and otherwise, do you believe there exists an organization popularly known as Ku-Klux?

Answer. I think it exists in Alamance County.

Question. How about Lenoir County?

Answer. I have never had any information that convinced me that it existed there.

Question. How about Orange County?

Answer. That joins Alamance, and I think very likely it existed in Alamance, and obtained part of its elements from Orange.

Question. How about Guilford?

Answer. Really I cannot say. I had been always disposed to regard Guilford as one of the most law-abiding counties of the State. There is a large Quaker element there, and they are men of peace wherever they are found.

Question. How about Rowan and Cabarras?

Answer. I could not say so much in regard to them. It is a part of the State that I am less acquainted with. I know few men of prominence there outside of the bar.

Question. Have you such knowledge of the existence of the condition of things in any of these counties as would enable you to give your belief in regard to the existence of these secret organizations, and of their operations?

Answer. I have stated that I have my belief.

Question. As to Alamance County; but as to the others, have you sufficient information to be able to base an opinion?

Answer. I am not able to express a confident opinion that they do not exist. I only say I have not such information as creates in me a belief that they do exist.

Question. Do you remember reading the occurrence of five men being taken out of jail at Kinston, Lenoir County?

Answer. Yes, sir.

Question. From the information derived from reading the account of that occurrence, do you believe it was done by any secret political organization?

Answer. Well, I really have not formed such opinion in regard to that as will enable me to express it. That is one of the class of outrages which I have expressed the belief was suppressed by the investigation of Judge Thomas.

Question. Were the men identified in that case?

Answer. I think there was rather strong proof in regard to two.

Question. Were they tried?

Answer. I do not think one of them has been tried. I think the case of either both or one of them, in regard to whom I thought the evidence was the strongest, is pending. I may be mistaken in regard to that.

Question. Now, as to those outrages which it is alleged have been committed by this secret organization in various parts of the State, do you know of any of the criminals who have been arrested, tried, and convicted for having been engaged in those outrages?

Answer. I do not know of any.

Question. Has there been any one so tried and convicted, to your knowledge?

Answer. I do not know of any. There are some cases--the first cases of that character--that I have reason to believe will come up at a future term of the Federal court. Arraals have been made by order of the United States Commissioner, and the parties have been bound over for trial; but the cases are not yet in court.

Question. You have as yet had no cases in the Federal courts in North Carolina involving the question of outrages committed by this organization?

Answer. No, sir; not as yet.

Question. Has there not been great difficulty in identifying the persons committing these outrages, owing to the fact that they were disguised?

Answer. That has been the complaint. The United States commissioner in Raleigh, who is a lawyer of intelligence, addressed me a letter not long since, in which he stated that he had been informed that I had declared that he had not the power to act in these cases; that, in my opinion, a material section of the enforcement was unconstitutional. I replied to that letter, stating that that was entirely an error, and advised him to issue his orders and act promptly upon them, and have the parties arrested; and I have been since informed that he has done so.

Question. Have there been any outrages of that character committed within the last few weeks?

Answer. I have heard of some since I have been here; I did not hear of them before I left home.

Question. In what counties?

Answer. I heard this morning that some have occurred in Burke County. I obtained that information from Senator Pool.

Question. From your knowledge of the existing state of things in any of those counties in which this organization is alleged to exist, do you believe that justice can be enforced against the members of the organization for crimes committed by the organization?

Answer. In regard to that, if the organization extended as widely as is alleged, and if the oath by which the members bind themselves is of the character which it is alleged to be, I should say that there has been a time in the county of Alamance, if that condition of things does not exist there now, when the law could not have been fairly enforced.

By Mr. BAYARD:

Question. Could not the trial of the cases be removed to remote distances from the place where the acts have occurred? Could they not be removed under the State law to any county?

Answer. They might indirectly be removed to any county. Under the laws of our State in regard to the removal of causes, a judge never, or at least rarely, refuses, when sufficient affidavit is made alleging that there is prejudice existing so as to prevent a fair trial, to order the removal to another county. And the prosecuting officer is not required to make an affidavit, but only to state his opinion; and upon that I have never known a judge to refuse the removal of the cause. But then the removal must be to an adjoining county; and when the case is called in the adjoining county, a like affidavit or application might remove it to another county. I have known cases to be removed to quite a remote distance from the place where the acts occurred.

By the CHAIRMAN:

Question. By successive removals?

Answer. Yes, sir. They could not be removed at once to any county in the State; the order is for a removal to an adjoining county.

By Mr. BAYARD:

Question. And step by step they could be removed to any county?

Answer. Yes, sir.

By the CHAIRMAN:

Question. From your observation in the State, have the political parties divided in the view taken of these outrages? If so, how has that division of sentiment shown itself?

Answer. Well, I have my opinion in regard to that, formed from information gathered from conversations with gentlemen on both sides. The division, I think, has not been entirely by parties. I find one party generally not so severe—the majority of the party I mean—not so universal in their condemnation of these outrages.

Question. Which party is that?

Answer. That is the democratic or conservative party. I do not think the members of that party are so universal in their condemnation of these outrages. But I think I have had ample opportunity of ascertaining the feeling of the prominent intelligent men of that party, and I have never heard one of them justify those outrages; I have always heard them condemn them. I have heard it said that there were gentlemen belonging to that party who were prominent men who did justify the organization; but I have never heard one of them justify it.

Question. What has been the course of the other party—the republican party—in reference to the organization?

Answer. They generally condemn it; in fact, I never heard one of them justify it; I think they all condemn it.

Question. Have these outrages, as a rule, been committed upon members of the republican party?

Answer. That is the allegation. I know very few personally of those who have suffered in any way.

Question. Have you information enough upon that subject to form an opinion?

Answer. My impression is that a majority of those who have suffered from these outrages have been republicans. They have been mostly colored men, and a very large majority of that class are republicans.

Question. Taking the condition of things, so far as you know it, existing in those counties where these outrages have occurred, do you consider life, person, and property secure with the administration of justice in the ordinary channels?

Answer. I cannot say that it is otherwise than so now. I think there has been a time when it was not so.

Question. How long since?

Answer. Well, in the early spring and in the winter of last year and during the fall before.

Question. At the time the militia were sent into Orange, Caswell, and Alamance Counties were person and property secure in those counties?

Answer. I heard of no outrage occurring about that time. I think there was none complained of or made public for two months prior to the use of the militia. The last outrage was in the spring, in the early part of May, I think; that is my impression.

Question. Was that the case of Wyatt Outlaw?

Answer. No, sir; it was the case of Stephens; the case of Outlaw was earlier.

Question. Have you not heard of numerous cases of whipping persons still occurring?

Answer. Not until I arrived here.

Question. You have not?

Answer. No, sir; except the complaints referred to in the letter of the United States commissioner to which I have alluded. And in those cases arrests have been made and the parties bound over.

By Mr. BAYARD:

Question. You spoke of the case of Stephens. Is it known by whom his death was caused?

Answer. Some pretend to have formed a very positive opinion. I have never been able myself to come to a positive conclusion on the subject.

Question. Do you, from any facts known to you, in your own mind lay his death at the door of this political organization?

Answer. It may be the one way or the other. My opinion is that it did occur in one of two ways; either as the result of the action of this political organization, or else it occurred from a domestic difficulty, and so altogether unconnected with that organization. It was either caused by this organization known as Ku-Klux, or else they had nothing to do with it, and it resulted entirely from the other cause. I am not able to say which.

By the CHAIRMAN:

Question. Do you know whether the issuing of the writs of *habeas corpus*, either by Judge Pearson or yourself in these cases, had any effect upon the confidence or impunity with which these crimes were committed in the counties of Orange and Alamance?

Answer. I have heard no complaints since that time. I cannot say what effect the action of Judge Pearson or myself had upon that.

Question. Are you aware of the fact that disclosures were being made by many persons in those counties of their connection with this organization?

Answer. Not until after the writs were issued by me. I have heard such reports since that time.

Question. Are you aware that those disclosures ceased immediately after the issuing the writs of *habeas corpus*?

Answer. No, sir; I have not been so informed. There was an investigation going on at Raleigh before Judge Pearson and other members of the supreme court, which continued for some time; for a number of days after I was through with the part I took in the matter, and had returned home.

Question. Does a state of feeling exist toward the colored people in those counties of which you have spoken which would affect the security of their rights and privileges under the law?

Answer. There are others more competent to express an opinion on that subject than I am. I know nothing personally of the population of those counties. I have heard of some gentlemen, the report of whose examination I have seen in the papers, gentlemen of high character, some of whom have expressed the opinion that the rights of the colored persons in those counties were fully and entirely respected; others express opinions to the contrary.

Question. You have no opinion to give upon that subject?

Answer. I cannot express any. If I were to undertake to express any opinion it would be one gathered from the statements of these parties, and from them alone; not from what I know of any treatment of the colored people there.

Question. You refer to testimony taken not here but elsewhere?

Answer. Yes, sir.

By Mr. BAYARD:

Question. You have been United States district judge since what date?

Answer. Since August, 1865; I was appointed then. The district courts were reorganized in the fall of that year; the circuit courts in the spring of the year following.

Question. Had you any political disabilities at the time you were appointed?

Answer. No, sir; I took the oath prescribed by the act of 1862.

Question. You were capable of taking that oath?

Answer. I thought so. I will state the circumstances. On February 8, 1862, that part of the State in which I live came in possession of the Federalists. Up to that time there had been no conscription law passed or enforced, and I had not, therefore, been forced to take any side against the Federalists. My disposition inclined me not to do it. After that time I was so located that they could not force me to take any position against the Federal Government, and I never did. So I took the oath, alleging that I never participated in the rebellion.

Question. The oath of 1862?

Answer. Yes, sir, of July 2, 1862; the iron-clad oath, as it is called. I believe I was the only superior court lawyer in all that region of country who did not, in some way or another, participate in the rebellion.

Question. Since you have held that office, and up to this time—or, as I do not care to go back to the earlier part of your service as United States district judge, within the last two years I will say—have you known of any obstruction to the peaceful execution of the process of your court?

Answer. None whatever; unless this can be called an obstruction, and in one sense I suppose it is an obstruction. The enforcement of the internal revenue laws there is exceedingly obnoxious to a very large class of our people; I reckon about as obnoxious as almost any law that has been enacted.

Question. Relating to taxes upon what articles?

Answer. To the taxes upon whisky and tobacco. In two instances, after parties have been convicted in the courts and sentenced, they have been released from jail by force. Those are the only cases of obstruction that I have ever met with in the execution of any law that has to be executed there.

Question. Where were those jails?

Answer. One was in Chatham County, and the other was in Burke County.

Question. Were they common structures, ordinary county jails?

Answer. Yes, sir; but the parties did not break from jail; they were released by force.

Question. By their friends?

Answer. Yes, sir, I think so.

Question. Had politics anything to do with their release in that way?

Answer. I do not think it had. In Burke County there were some three or four released, whom I had recommended for pardon. But the President was very slow in acting upon their cases, and their friends became impatient and released them. Their offenses were very trivial, and I had imposed the minimum punishment of \$1,000 fine and six months' imprisonment in jail. They were offenses against the revenue laws for distilling without a license, and manufacturing tobacco; in these instances it was for distilling.

Question. Is there any difficulty in having process served and parties arrested?

Answer. Do you refer to process issued by the court over which I preside?

Question. Yes.

Answer. None whatever.

Question. Then would you state, as a fact, that the execution of the laws of the United States, which are those of which you take particular cognizance, is unobstructed in your State?

Answer. With the exception of the two instances to which I have alluded, where the parties have been released by force, as I have stated, I do not know of any place in the United States where the criminal law has been more faithfully executed than in North Carolina, since I have presided over a court there. I do not think there is any more prejudice or difficulty in obtaining a conviction in a fair case than used to exist in the execution in the State courts of the State criminal laws before the war.

Question. Do you read any of the papers published in the northern cities—in New York and elsewhere?

Answer. I do; I cannot say that I am a regular reader of them.

Question. You keep yourself generally informed of the condition of affairs in the country at large, as stated in those and other papers?

Answer. Yes, sir.

Question. In your opinion is there equal security of person and property under the law in North Carolina that there is in the other States of the Union that lie north of your State?

Answer. I cannot say that it is otherwise now. There has been a time when I think it was otherwise.

Question. Just succeeding the war?

Answer. No, sir; at the period I alluded to just now—last winter and spring a year ago, and the fall preceding.

Question. Do you confine that statement to the counties you have named?

Answer. Yes, sir.

Question. Well, excepting those counties, and the period of time you have mentioned, do you think there has been equal security of person and property in the State of North Carolina that there has been in any other State in the country?

Answer. That is my opinion; with the exception of those localities and the period I mentioned. I live in the northeastern part of the State; and in the section of the State where I live, and for a hundred or two hundred miles around me, we have never experienced any difficulty there; within the last eighteen months there have been a great number of Pennsylvanians who have purchased property and resided there. I have never observed any feeling whatever against them; they are well received, and I think they feel as secure in their persons and property as I do, or as do any other citizens of our State.

Question. Do you know of any popular sentiment in your State that is disposed, in any event, to array itself against the Government of the United States?

Answer. You say "popular sentiment."

Question. I mean by that, any organized sentiment; I do not mean the sentiment of any individual.

Answer. No, sir; I do not.

Question. Do you think there is, among the people of your State, any disposition to oppose the Government of the United States?

Answer. Not any popular feeling of that sort. I know individuals who I think are exceedingly hostile to the Government of the United States.

Question. Do you know of anything like an organized sentiment of that character?

Answer. I do not.

Question. Do you believe it exists at all?

Answer. There is no evidence to my mind upon which I could found such an opinion.

Question. You say that when Kirk responded to the writs of habeas corpus that you issued, he did so on the last day on which they were returnable?

Answer. Yes, sir; and the last hour.

Question. What time had he allowed him in which to make return to those writs?

Answer. I am not certain now whether it was ten days or twenty days; it was one or the other.

Question. Either ten days or twenty days?

Answer. Yes, sir.

Question. And he delayed making the return to the very last hour which the law gave him?

Answer. Yes, sir; it was late in the afternoon of the last day.

Question. What time in addition did you give, upon the application of the counsel employed by Governor Holden?

Answer. I gave them the full time they asked; it was until the next day.

Question. All the time they asked?

Answer. Yes, sir.

Question. And there never was stated to you, at any time, either the names of the witnesses or the character of the testimony they relied upon?

Answer. No, sir; it never was stated to me that they had any testimony, or that they could in the future produce any testimony, upon which they could base a motion either for the remanding or the further detention of those men.

Question. You never had any cause shown before you for their detention at all?

Answer. None whatever. Mr. Boyden, who was one of the leading counsel for Kirk, stated emphatically, when the first party was called, that they had no legal evidence upon which they desired to base a motion for the further detention of the party.

Question. Did you issue a warrant for the arrest of Bergen?

Answer. I did.

Question. Upon what ground?

Answer. An application for a bench warrant was made to me at Salisbury. As I have already stated, a part of this hearing was at Salisbury, and then it was adjourned to Raleigh.

Question. At the request of Governor Holden's counsel?

Answer. Yes, sir; it was acceded to by them, if not suggested.

Question. It was on their motion?

Answer. Yes, sir, or suggestion. There was a motion made for a bench warrant against Kirk and Bergen. (Bergen was an officer under Kirk, a lieutenant-colonel, I think they called him.) They read affidavits of parties who alleged that they had been hanged and otherwise cruelly treated while in the custody of Bergen. I refused a bench warrant upon those affidavits, stating that I held it not to be within the jurisdiction of the district court to punish for such violations of law, for any injury inflicted upon the parties; that if the State courts would not punish them, the matter was beyond the jurisdiction of the Federal courts, and therefore I refused to issue the warrant. At Raleigh the affidavits of these same parties were amended, the amendment consisting in this further allegation, that since they had been released on writs of habeas corpus, issued and acted upon by me, Bergen had met them and had presented pistols to them, and had sworn that in less than ten days he would again have them, and in a more uncomfortable condition than he had had them before. Upon that I issued a warrant, holding that I had jurisdiction to prevent a repetition of that which I regarded as a violation of their rights under the fourteenth article of amendment to the Constitution of the United States.

Question. Was Bergen committed in default of bail?

Answer. Yes, sir.

Question. To the custody of the marshal?

Answer. Yes, sir.

Question. Do you know Mr. Timothy F. Lee, of Wake County?

Answer. Yes, sir.

Question. Is he sheriff of that county?

Answer. Yes, sir.

Question. Is he likewise acting in the capacity of deputy marshal?

Answer. I do not know that fact.

Question. Was it in his custody that Bergen was committed?

Answer. Yes, sir; the United States marshal has no prison. My direction to the marshal, where no particular prison is designated for the party committed, is to take him to the Wake County jail; but, upon application, I frequently direct that parties be imprisoned elsewhere.

Question. Was any application made to you for Bergen's discharge?

Answer. No, sir. Let me state the circumstances more fully in regard to that matter. I had concluded these habeas corpus proceedings, and had, perhaps, issued the warrant the same day in which I had concluded the proceedings—may be the day previous. There had been no return of the process. Bergen was previously in jail under civil writs issuing from the circuit court, it is true, but I had nothing to do with the issuing of those writs; had nothing to do with that; they were some private suits.

Question. Private civil suits?

Answer. Yes, sir; he was still in jail, and had been in jail some days, under those civil writs. I directed the marshal, in case he was released, to execute the bench warrant; I gave that verbal direction. The warrant was drawn in the ordinary form of a command. I directed the marshal, if Bergen should be released from those civil writs, either by giving bail or in any other way, to execute the warrant, and bring him before me wherever I might be in North Carolina. I could not say when, under those instructions, it would be necessary to execute the warrant. The marshal had the warrant in his hands under these verbal instructions. Bergen's counsel came to me and asked me to have the warrant served, so that he might be brought before me that I might commit him, for he could not give bail, to the end that they might appeal; they wanted to get the question before a higher tribunal. I readily assented, and stated that I would throw no impediment in the way of having any action of mine revised in a higher court; indeed, I desired it, and wanted it settled. They came before me at night, and stated that he could not give any bail. I committed him under the warrant, to the end that they might appeal. They did not appeal, but immediately applied to Judge Bond for a writ of habeas corpus, to review the case in that way, and not by appeal from my decision. One of the bar, the counsel who came to me first and consented to the arrangement I made, stated to me that he regarded it as an act of bad faith, and protested against the course they took. He wanted to appeal, and take it up in the regular way.

Question. In the way he had proposed to you?

Answer. Yes, sir; he protested to me that he thought it was bad faith towards me; that he did not agree to the course which a majority of the counsel afterwards took. Judge Bond released him, but in doing so he did only what I would have done the very next day after this militia were disbanded, and I think they were disbanded in three days after I committed him. I only committed him as further security against his committing any further violation, as the affidavits stated he had threatened, of the rights of citizens under the amendment to the Constitution of the United States; that is, by imprisonment. I had held that these persons had been detained contrary to law; I stated to the counsel, I think, that it was only as security against further violations that the commitment was made, and I stated that my course would have been, if appli-

caution had been made to me at any time I had been informed the militia was disbanded, that there was no danger of any further violation of the constitutional amendments, to have released him.

Question. But as I understand, at the time you made that commitment, obtained from you under the pretense you have already stated by Bergen's counsel, he was and had been for several days previously committed in default of bail in some civil suits?

Answer. Not only in custody, but in jail.

Question. On civil suits?

Answer. Yes, sir.

Question. Have you any knowledge how those suits were determined?

Answer. I know how Judge Bond determined them.

Question. State how they were determined by him.

Answer. He conferred with me and I agreed with him that the civil writs had been issued contrary to the provision of our Statutes. In other words, our code provides and the federal law provides, that when bail writs are issued they should be issued in accordance with the provisions of the laws of the State. I hold that our code requires that when a bail writ is asked for as these were, there shall be an order of the Judge, and no order of the Judge was ever asked or granted in these cases. They made affidavits before the clerk, and upon them obtained the writs, and that question never came before me until a writ of habeas corpus had been issued by Judge Bond. He conferred with me in regard to it, and I concurred with him in the opinion that these bail writs had been improperly issued, and that Bergen ought to be relieved as to them.

Question. Were you present in the court when Bergen was discharged by Judge Bond?

Answer. He was not discharged in court.

Question. Was the court in session when he was discharged?

Answer. Judge Bond and I together were holding the circuit court at the same time.

Question. When was that?

Answer. That was in December, 1870. The circuit court commenced there on the last Monday in November. But I think his discharge was not granted until some day in December.

Question. Was there any notification to the parties plaintiff in civil suits of his discharge?

Answer. They say there was not; I do not know that there was any notification to them; I think there was not any; I think the discharge was made, and Bergen got away at night, and the counsel did not know anything about it until the next day, or perhaps two days after and.

Question. In the case of Kirk, did you make any order committing him in default of bail?

Answer. No, sir; I refused the application for an attachment against him. No application was ever made to me for any civil writs against him. I made no order in reference to him in any way, except to refuse a motion for an attachment.

Question. Has there been in your State, for the last two years, any wide-spread apprehension among the property-holding class of citizens, growing out of the manner in which the credit of the State had been used by Governor Holden and his administration?

Answer. I think that feeling is universal among all intelligent men, without distinction of party.

Question. State, if you please, the feeling upon that subject among the people in North Carolina.

Answer. I think every man who has any interest in the way of property, or who makes any contribution in the way of taxes, has felt very serious apprehension.

Question. Was Governor Holden and his administration identified with this course of lavish and reckless expenditure?

Answer. In this way: some charge Governor Holden with a participation in the profits that is supposed to have been made out of these abominations, as some of us term them, this bad legislation. I have never been prepared to think or to believe, I would not here express the opinion, that Governor Holden has participated in that way.

Question. You mean participated by taking part of the money?

Answer. Yes, sir. Our people, though, do hold him responsible in this way: they think he has failed to do that which was in his power to have prevented it.

Question. Did not this lavish issue of bonds and the misappropriation of the public credit and money occur under his administration and that of the party which sustained him?

Answer. Well, sir, it is a matter of public notoriety, of history, you may say, that the republican party was largely in the majority prior to the last general election. The legislature in session before the present one was largely republican. This extravagance occurred mainly during that time.

Question. The reason that I asked that question was, to prepare the way to ask the question whether or not, in the late canvass, the two political parties arrayed themselves mainly upon the question of perpetuating this system by continuing Governor

Holden and his associates in office; and was not the opposition to him mainly upon the ground you have mentioned?

Answer. I do not understand you when you say "the two political parties." I have often expressed the opinion which I held, and which I now hold very firmly, that the result of the last election in North Carolina was not due to party. I think it was a coming together of all the elements there opposed to reckless extravagance and fraud in legislation, for the purpose of putting it down.

By Mr. BLAIR:

Question. Was it not regarded that if Governor Holden's party had been sustained it would amount to a confiscation of all the property in North Carolina?

Answer. Not a legal confiscation.

Question. I do not mean that; but would it not have amounted to that in effect.

Answer. I think the remaining confidence of any property-holder would have been very greatly diminished. I know very well the feeling that actuated me, and I think there were thousands of other men who were actuated by the same feelings precisely.

By Mr. BAYARD:

Question. You think that was the public sentiment that carried the last election?

Answer. I have no question about that, none in the world; I have never entertained a contrary opinion.

Question. Do you know of the existence of bodies in your State known as the Union Leagues, composed generally of colored men?

Answer. I have heard so.

Question. Do you know whether Governor Holden is the recognized head of that order in your State?

Answer. I have always heard so; I do not know that I ever heard it from the governor, but I think it is conceded and believed.

Question. Do you know the number of colored people that belong to that organization?

Answer. I do not.

Question. You do not know the extent of the organization?

Answer. I do not; I have understood that it was general with the colored people.

Question. Do the members of that organization vote as a unit on political subjects?

Answer. I have so understood. I do not know any of the members of that organization, and I cannot say whether that is true or not.

Question. Do not these leagues embrace the colored people of the State generally?

Answer. Yes, generally; that is my impression, my belief.

Question. Is it a political league?

Answer. It is said to be so; I cannot say I have any knowledge of it; I have never been a member of the order.

Question. No; I do not suppose so.

Answer. Or of any other secret political order.

Question. You were asked your opinion as to the existence of a secret political organization commonly known as the Ku-Klux, and you have answered. I wish to get the same character of opinion from you respecting the societies known as Union Leagues, as to their existence and extent.

Answer. The belief I have is that it is a secret political organization, and that its members are mainly colored people.

Question. Did the organization extend throughout the State, and embrace the colored population generally?

Answer. I really do not know how I can answer that question. I do not know that I have ever heard the different parts of the State alluded to or spoken of in reference to that. I think that is the impression as regards the western part of the State. The colored people are greatly more numerous there. It is a part of the State with which I am almost entirely unacquainted.

Question. Was the political power of that organization understood to be wielded by Governor Holden, owing to his position?

Answer. I have heard nothing recently that would give me any impression in regard to that. When nominations were being made by the republican party throughout the State for the legislature, the legislature before the present one, it was complained by the intelligent portion of the republican party that unfit nominations were being made; that a great many ignorant men were being selected, and it was believed it was done through the influence of the leagues, and indirectly through the influence of Governor Holden over the leagues, and I have heard it charged that Governor Holden procured this character of nominations to be made for unworthy purposes, that he might control the legislature; that he might get such men in the legislature as he could control. That was mainly the complaint I have heard from intelligent republicans.

By Mr. BLAIR:

Question. Did you ever hear that these loyal leagues ever attempted to exercise any

sort of intimidation or control over leaguers, to prevent them from voting as they pleased?

Answer. I have heard that.

Question. Do you believe that to be true?

Answer. That was the opinion created on my mind at the last election. I have heard some such complaints around in the vicinity in which I live.

Question. Have you ever heard any of the negroes themselves complain of that?

Answer. I have never heard of but one complaining; I did not investigate it at all.

Question. Was that complaint by a negro?

Answer. Yes, sir.

Question. Did he tell you that he had been prevented from voting as he wished?

Answer. He said that it would be dangerous for a colored person to vote contrary to the wishes of the league.

Question. Did he express the belief that the danger would come from that quarter?

Answer. He did not tell me that he was a member of the league; but he remarked to me that he thought the opposition on the part of the colored people was so strong that it would be dangerous for one to vote contrary to their views.

By Mr. BAYARD:

Question. Are your jurors selected by the United States marshal?

Answer. They are now, by force of a recent Federal law. Before that jurors were selected under a rule or order of the court prescribing the character of the men to be selected, in point of intelligence, &c. There were several rules I laid down to guide the summoning of jurors. In the first place, the regular jurors were summoned from the counties most convenient to the place where the court was to be held. Then a box of two compartments was taken, and then the names of those in the different counties supposed to be competent and proper men to serve as jurors were put in the box, and so many were drawn out for each town as they were required. I required that no man should be taken who was so poor as to be seriously inconvenienced by the loss of time, for which the pay would not compensate him. I also required that no man should be taken unless he had ordinary intelligence and could read and write. And then I had a rule against discriminating on account of color.

Question. You do not permit discrimination?

Answer. No, sir.

Question. So that you secure the representation of the colored people on the jury?

Answer. Yes, sir.

Question. So that on every jury panel in your courts they have been represented fairly?

Answer. After the passage of the act, which I regarded as making it incumbent on me to do so. For the first two or three times of the court, after my appointment, there were none on; but after that, an order was made in accordance with the act. I have had no cause to complain of the character of the juries, until the last circuit court in Raleigh; then my associate, Judge Bond, complained very seriously. That was the first jury summoned there, under the existing law, and the marshal summoned them without being confined to the order of the court.

Question. What was the cause of the complaint?

Answer. Judge Bond remarked two or three times, during the term, that he thought many of them were incompetent; and we consulted, and almost came to the conclusion that we would discharge the panel and order a new one. The most of them were not intelligent men.

By the CHAIRMAN:

Question. Had this feeling in regard to the abuse of the State credit anything to do with the outrages and disorders you have spoken of as occurring in various counties?

Answer. There were two issues, and I think that the result in North Carolina was mainly owing to the character of the legislation. I think the prejudice against Governor Holden is more owing to what the people regard as bad legislation, and the non-performance of what they regarded as his duties.

Question. Did the feeling which grew out of the abuse of the State credit give rise to any outrages, or breaches of the public peace, in those counties?

Answer. No, sir; I think not.

Question. Were they attributable to other causes altogether?

Answer. Yes, sir; I think so. I feel clear on that point.

Question. You have spoken of the Union League; do you know, or have you information that will justify you in speaking of any instance in which violence has been either ordered, excused, or justified, by the Union League?

Answer. I cannot say that I have any such knowledge. I have been told of several instances.

Question. In which violence was inflicted by or with the countenance of the body itself?

Answer. I have heard of that.

Question. Where?

Answer. In Chatham, recently.

Question. What was that?

Answer. I have heard of it in other quarters. I have understood that a colored man was punished for voting for Mr. Manning, now a member of Congress.

Question. Did you hear that it was done by order or sanction of the league?

Answer. I did hear, but I have no knowledge, nor do I pretend to know.

Question. Have you taken any part in politics in the State so as to identify you with either of the political parties within the last few years?

Answer. Nothing more than reading the papers. I was a member of the convention in 1855-56. I have not attended political meetings but once, perhaps, when I heard a speech.

Question. I understand from the tenor of your testimony that you are in opposition to the policy of Governor Holden in the affairs of the State?

Answer. Well, yes, sir.

By Mr. BLAIR:

Question. Did you vote for General Grant?

Answer. I was not at home, but was absent on official duties; if I had been I would have done so.

By the CHAIRMAN:

Question. You have spoken of the feeling among the colored people as to the danger of voting against the sentiments of their people; does the same feeling exist among the white people toward republicans who vote the republican ticket?

Answer. Well, sir, I do not know that a worse feeling exists between them than used to exist before the war, as the parties were then arrayed—whig and democratic.

Question. I see, on looking at the map, that your residence is quite remote from most of the counties in which these outrages occurred.

Answer. I have so stated; it is over two hundred miles.

Question. You live in the extreme northeastern portion of the State?

Answer. Yes, sir.

By Mr. BAYARD:

Question. In what portion of the State are your courts held?

Answer. They were held in Edenton till recently; they are now held, for that part of the State, in the town in which I live. Then they are held in Newbern, in Wilmington, and in Raleigh. There are no places designated by act of Congress for holding any other terms, but for the last three or four years I have held special terms at Salisbury, at Asheville, and at Morgantown.

Question. At all these places you have attended in the execution of your duties?

Answer. Yes, sir; twice a year in the east, and once a year at the western points.

Question. In your opinion, is a measure of general amnesty for political offenses desirable in the State of North Carolina?

Answer. I think a majority of our people would say it is. If it is desired, I can give my individual opinion and my reasons for it.

Question. Do you think the effect would be favorable upon the good feeling of your people toward the Government of the United States?

Answer. Well, I am a supporter of the Federal Government and of the republican party, as federally considered, and I am desirous that measure should be adopted, because I think it is very prejudicial—it has been so far—to the present administration and the Federal Government to continue the disfranchisement.

WASHINGTON, D. C., February 22, 1871.

W. S. BRADSHAW sworn and examined.

By the CHAIRMAN:

Question. Where do you live?

Answer. In Alamance County, North Carolina, about eight miles east of Graham.

Question. How long have you lived there?

Answer. All my life in that neighborhood.

Question. What is your occupation?

Answer. A farmer.

Question. Have you ever been at any time a member of what is popularly known as the Ku-Klux organization, otherwise known as the Constitutional Union Guards or White Brotherhood?

Answer. Yes, sir; I joined that order.

Question. How did you come to join it, and what do you know about it?

Answer. I joined it in the spring of 1869, I think. It was represented to me to be a

society to protect ourselves, our property, and our wives from depredations of any kind. I attended not more than two or three meetings, and withdrew.

Question. Where were those meetings?

Answer. In my neighborhood.

Question. What was done at them?

Answer. Nothing much; only taking in new members, I think.

Question. Who was commander of the camp you belonged to?

Answer. Mr. Wood.

Question. What was the number of the camp?

Answer. I do not know.

Question. Where did they hold the meetings?

Answer. At the house of William Teer, where he formerly lived.

Question. Do you remember the oath you took when you joined the organization?

Answer. I remember very little about it. I think they administered some sort of oath.

Question. Since you joined have you made confession or statement in regard to having belonged to the order?

Answer. Yes, sir.

Question. Do you remember the terms of the oath?

Answer. I do not; I remember very little about it.

Question. Have you seen it in print since?

Answer. No, sir.

Question. Look at the oath now shown you, on page 2 of the President's message, in regard to North Carolina, and say whether it is the one you took.

Answer. [Reads the oath, as follows: You solemnly swear in the presence of Almighty God that you will never reveal the name of the person who initiated you; and that you will never reveal what is now about to come to your knowledge; and that you are not now a member of the Red String Order, Union League, Heroes of America, Grand Army of the Republic, or any other organization whose aim and intention is to destroy the rights of the South, or of the States, or of the people, or to elevate the negro to a political equality with yourself; and that you are opposed to all such principles: So help you God.]

You further swear before Almighty God that you will be true to the principles of this brotherhood and the members thereof; and that you will never reveal any of the secrets, orders, acts, or edicts, and you will never make known to any person, not a known member of this brotherhood, that you are a member yourself, or who are members; and that you will never assist in initiating, or allow to be initiated, if you can prevent it, any one belonging to the Red String Order, Union League, Heroes of America, Grand Army of the Republic, or any one holding radical views or opinions; and should any member of this brotherhood, or their families, be in danger, you will inform them of their danger, and, if necessary, you will go to their assistance; and that you will oppose all radicals and negroes in all of their political designs; and that should any radical or negro impose on, abuse, or injure any member of this brotherhood, you will assist in punishing him in any manner the camp may direct.

You further swear that you will obey all calls and summonses of the chief of your camp or brotherhood, should it be in your power so to do.

Given upon this, your obligation, that you will never give the word of distress unless you are in great need of assistance; and should you hear it given by any brother, you will go to his or their assistance; and should any member reveal any of the secrets, acts, orders, or edicts of the brotherhood, you will assist in punishing him in any way the camp may direct or approve of: So help you God.] I think I agreed to a portion of this, but not all of it. There is a portion of it that was not in the oath that I took.

Question. What portion?

Answer. That part: "And that you will oppose all radicals and negroes in all their political designs; and that should any radical or negro impose on, abuse, or injure any member of this Brotherhood, you will assist in punishing him in any manner the camp may direct."

Question. Have you a distinct recollection of all the terms of the oath?

Answer. I have not; I never attended, as I told you, but two or three meetings.

Question. Have you a recollection of all the other terms of the oath except what you have indicated?

Answer. No, sir.

Question. Do you believe that is the oath you took?

Answer. I think a portion of it is.

Question. At the meeting at which you took the oath, what was done?

Answer. I do not think anything was done at all except to initiate some two or three.

Question. How were they initiated; by persons in disguise?

Answer. No, sir; only the person who took them into the house was in disguise.

Question. At that meeting was there any proposal to inflict punishment upon anybody?

Answer. No, sir.

Question. How was it at the next meeting that you attended?

Answer. I think there was a motion to have a raid or demonstration; I do not think there was anything said about inflicting punishment on anybody at all, but merely to have a demonstration. They were to meet at Ridge meeting-house. I think it was opposed by Mr. Wood, or he cautioned them rather, that if they met and did any mischief, the society would not be responsible for their acts.

Question. What was the object of the raid?

Answer. I do not know; there were but a few words said about it; I had never heard of it before.

Question. Was it voted to have the raid?

Answer. It was not voted at all; several persons opposed it. Then some one proposed that all who were in favor of it should meet at that point the next Saturday night; there was no vote taken on it.

Question. Did the raid take place?

Answer. I understood so.

Question. Did you attend it?

Answer. No, sir.

Question. What was done at that raid?

Answer. Nothing at all that ever I heard; they went down toward Hillsboro, I understood, but didn't do anything at all.

Question. Did they raid in disguise?

Answer. I understood so.

By Mr. BAYARD:

Question. Did you ever see a band of disguised men?

Answer. No, sir; never in my life. This man that took these fellows in that night was the only one I ever saw disguised.

By the CHAIRMAN:

Question. Was one of the terms of the oath you took that if you revealed any of the secrets of the order the penalty would be death?

Answer. I think so.

Question. In coming before this committee do you understand that that would be the penalty if you told us the secrets of the order?

Answer. I think so.

Question. Then I understand, if we do get any of the secrets of the order from you, it is under the apprehension of the penalty of death?

Answer. Yes, sir, I think that was a portion of the oath.

Question. With that statement now, are you willing to go on and give us what you know about the operations of that order?

Answer. Well, sir, my notion is this: I had not attended a meeting for six months; I did not know anything about the organization previous to the violent acts being committed. I did not consider myself a member of it at all; I do not know any of their secrets, and did not have anything to do with it in any shape.

Question. Are you willing to give us all you do know about the order and its operations?

Answer. Yes, sir, I am perfectly willing.

Question. Tell us, then, who were in that camp after you joined.

Answer. I cannot remember all of them; there were Mr. Wood, Mr. Teer, Mr. Long, Mr. Crutchfield. I do not remember the names now.

Question. Do you remember the names of James Foust, James Bradshaw, and Joseph P. Thompson?

Answer. Yes, sir.

Question. What position did they hold in the order?

Answer. They were officers.

Question. What were the names of the officers?

Answer. I cannot tell you; only Mr. Wood was chief.

Question. What did you call him; captain or commander?

Answer. I do not know; I was not there long enough to understand.

Question. What was Mr. Foust's office?

Answer. I remember he took them into the room before Mr. Wood to initiate them.

Question. What was James Bradshaw's office?

Answer. I cannot tell; John Teer was treasurer.

Question. Was James Bradshaw a brother of yours?

Answer. No, sir; a second cousin.

Question. What was Joseph Thompson's office?

Answer. I don't remember.

Question. Do you remember John Teer?

Answer. Yes, sir.

Question. Polk Bradshaw?

Answer. Yes, sir.

Question. A brother of yours?

Answer. No, sir; a cousin.

Question. Was Fisher brassaw a member of the organization?

Answer. Yes, sir.

Question. Was he a brother of yours?

Answer. No, sir; a cousin.

Question. Mike Teer?

Answer. He was a member.

Question. Are there any others that you remember?

Answer. Haywood Crutchfield.

Question. He was initiated the same night you were?

Answer. Yes, sir.

Question. Patterson Thompson also?

Answer. Yes, sir.

Question. What position does he hold?

Answer. I think he was just a member.

Question. Is he a justice of the peace?

Answer. He used to be.

Question. George Crutchfield?

Answer. Yes, sir.

Question. Any others that you remember were members of the organization?

Answer. I do not remember any others.

Question. Are these all the persons you met in the camp?

Answer. There was George Laig.

Question. How many members belonged to the camp?

Answer. I do not know; never did know.

Question. When the motion was made for a raid near Hillsboro, was that the first you knew of the fact that the organization undertook raids of that kind?

Answer. Yes, sir.

Question. You say you opposed it?

Answer. I opposed it.

Question. In that discussion was nothing said about the purpose of the raid?

Answer. Not at all.

Question. Was it to intimidate anybody?

Answer. I think not; my notion was, it was just a demonstration.

Question. For what purpose?

Answer. I don't know; they very frequently, I have heard, met together and traveled about through the country, a band of disguised men.

Question. Have you no information from any one of the members of the organization of an intention either to whip or assassinate anybody?

Answer. No, sir; never did have.

Question. Did you not talk with a man named John R. Stockard?

Answer. Yes, sir.

Question. He is a member?

Answer. I think he was a member on the other side of the river; he came to my house one day and told me he wanted me to go to the house of James Bradshaw; that they were going to make a raid on Squire William Albright, mayor of Graham, he understood. He never told me who gave the information, and asked me if I would go and see Jim. I told him I would.

Question. Did he tell you the intention was to assassinate him?

Answer. I don't know. I would not say. I know that Squire Albright put it down in that way, but I told him I didn't understand it so and told him I didn't know.

Question. Was the affidavit read before you after it was written?

Answer. Yes, sir.

Question. Did not you state in that affidavit that Stockard told you there was a plot to assassinate Albright?

Answer. I know I talked that matter over with William Albright, and told him I could not say as to that, but Albright himself said, "Certainly that must be so." I told him I could not tell. But I went to see Bradshaw and he was not at home; his brother John was at home, and I indicated to him what my business was; and he said that he had never heard of it himself, but he said if anything like that was going on, and he found it out, he would try and put a stop to it.

Question. From your conversation with members of the organization are you satisfied that it was their design and intention to murder men?

Answer. I don't know; I never heard one express himself in that way in my life.

Question. What is your belief on the subject?

Answer. Well, sir, my notion was that they would scourge people; I cannot say that they ever murdered any person.

Question. Had you any conversation with Mr. Boyd on the subject of the order wishing to murder people?

Answer. I had a conversation with him, and I told him I was opposed to all such, and wanted to get out of it.

Question. Why did you come to talk about murdering at all; how did you learn that there was any murder contemplated?

Answer. Well, sir, I don't know whether that was after Outlaw was hanged or not. *Question.* You say you and Boyd spoke on the subject?

Answer. Yes, sir; and I had a conversation with Dr. Wilson about it.

Question. In these conversations you expressed yourself as opposed to murdering people?

Answer. Yes, sir.

Question. What suggested the idea of anybody being murdered?

Answer. Of course Outlaw was hanged; there was no doubt about that.

Question. Was he hung by the Ku-Klux?

Answer. That is more than I can tell you.

Question. Were you with them at that time?

Answer. I never was with them on a raid; I never was with a band of men, either disguised or not, in a raid.

By Mr. BLAIR :

Question. Did you ever tell Mr. Boyd that you were present and witnessed that hanging?

Answer. Never.

By the CHAIRMAN :

Question. Had you a son who was a member of the organization?

Answer. No, sir.

Question. Do you know other men of the name of Bradshaw?

Answer. Fisher Bradshaw was a young man and James Bradshaw was a young man.

Question. Which of them was it, if you remember, that Mr. Boyd disclosed?

Answer. James Bradshaw, Mr. Boyd said, told him he had been there.

Question. Was he a member?

Answer. Yes, sir; you have his name.

Question. Have you ever had a conversation with any member of the camp about the murder of Outlaw?

Answer. Never on earth.

Question. Then you know James Bradshaw to have been a member of the same camp that you were in?

Answer. Yes, sir; I know he was a member.

Question. Now, what brought up the subject of your being opposed to the murder of men in your talk with either Boyd or Wilson?

Answer. Well, sir, I think Mr. Boyd named it to me in Graham at first; he said he was opposed to it, and so was I, for various reasons. He said it would drive people from our country.

Question. Was that the effect of it?

Answer. Well, I don't know.

Question. From what you know of the effect produced on that community by the hanging of Outlaw, do you believe the people were secure in their persons and property, when such raids could be carried on in that community?

Answer. I think there were a great many of them who lived in fear; there was no doubt about that; they have expressed themselves so to me, anyhow.

Question. These men you have named as members of the camp, are they all in that neighborhood yet?

Answer. No, sir; I think not.

Question. What has become of them?

Answer. I think some of them left about the time Colonel Bergen and Kirk came there.

Question. Why did they leave?

Answer. I don't know, without they were afraid of something.

Question. Did you believe that a number of them were at the hanging of Outlaw?

Answer. Well, sir, they left.

(Question repeated.)

Answer. I cannot say.

Question. Have you any opinion about it?

Answer. None at all. I don't know.

Question. Did none of them ever communicate to you?

Answer. Never on earth; no man on earth who was present, or know anything about it.

Question. After you ceased to attend the meetings, did they give you their confidence?

Answer. Not at all. I did not know anything about it.

Question. Did you make any inquiries about what they were doing in the camp?

Answer. No, sir, never did.

Question. What was the name of the order you belonged to; was it the Constitutional Union Guards or White Brotherhood?

Answer. I do not remember; I think it was the Constitutional Union Guards?

Question. Was it either the Constitutional Union Guards, the White Brotherhood, or the Invisible Empire?

Answer. I think it was one of the two first named.

Question. Of the men you have named as belonging to the camp, how many belonged to the democratic or conservative party?

Answer. I think probably all of them did.

Question. Was it the object of the organization to inflict any wrong upon members of the opposite party; did you find that to be its object after you got in it?

Answer. I think not; not for political principles; I have never heard of anything like that.

Question. Did you ever know of their whipping, hanging, or doing any injury to anybody but a republican?

Answer. I don't remember any case.

Question. Of any but a republican?

Answer. No, sir.

Question. How many cases do you remember where these people in that county were whipped and wronged?

Answer. Well, sir, there are several that I have heard have been whipped.

Question. How many?

Answer. I cannot tell without I would call them over.

Question. Tell those you remember.

Answer. Mr. Corliss was whipped.

Question. What was he whipped for?

Answer. I don't know; he lived at Company's Shops, twelve miles from where I lived, William Simpson, Cass Holt, a nigger, and another nigger by the name of John White. Outlaw was hanged; Bill Puryear was supposed to have been drowned; he lived about three miles from where I lived.

Question. Did you see him?

Answer. I never saw him; his wife came to my house the next morning and told me about it.

Question. Was that done before or after you ceased to attend the meetings?

Answer. Afterward.

Question. Was Outlaw hung before or after you quit attending?

Answer. Afterward. Well, I don't know what was done, whether they held meetings or not; I didn't know of any meetings for six months previous to Outlaw's hanging.

Question. Were these cases you have mentioned the acts, in your belief, of that organization?

Answer. Well, sir, they were charged with them.

Question. Do you believe they did them?

Answer. Well, sir, I would not be surprised if they did do a portion of them at least; but I cannot tell.

Question. Were any of those men arrested and tried for killing Outlaw or Puryear, or whipping Corliss?

Answer. No, sir; I do not think they were.

Question. Could they be arrested in that county?

Answer. Well, sir, I don't know; I suppose if there had been any evidence against them, they could have been arrested.

Question. While you were a member of the order, would you consider it your duty to go to the relief of another member charged with any of these offenses; would not your oath have bound you to do it?

Answer. Well, I would not have done it.

Question. If you had obeyed the terms of your oath, would you not have been bound to do it?

Answer. Well, sir, I think that the obligation was that I would have to be governed by the majority, and obey the laws and rules of the organization.

Question. Taking the terms of the oath, as administered to you, if you had been called on to make a raid on anybody, would you not have been bound to obey your commander in that respect?

Answer. I don't know; I should not have done it.

Question. Under the terms of the oath, if you had kept the oath, would you not have been bound to do it?

Answer. Well, yes, sir, I suppose so.

Question. And you still sit here, and in disclosing anything connected with the organization, under the terms of that oath, you do it under the penalty of death from the order?

290 CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

Answer. I think that was in the oath or obligation that each member took.

Question. Now, is there no instance in which you have been actually called upon in reference to any wrongs committed by that body upon anybody in Alamance County?

Answer. None in the world; no instance.

Question. Have you been willing to assist in arresting any of these men?

Answer. Perfectly willing; if I had been called upon I should have done my duty. I told you in regard to Puryear's wife coming down to my house the next morning. She said she had been recommended to come to my house, and told me there were two persons come into the house—I forgot what time of the night—and she thought there were about four outside. I asked her whether they were black or white; she could not tell. I asked her if she could see their hands. She said they had something on their hands. I asked her if Bill, her husband, had been doing anything to cause any disturbance. She said nothing more than the way he had been treating her. I asked her then what he had been doing. I think that was Wednesday or Thursday morning. She said he had whipped her on the Monday morning previous; that he took down his gun and loaded it, and, while in the act of loading it, told her he was doing it expressly to shoot her. I asked her if there was any person present. She said, yes, two men; that Patterson Thompson, I think, and Henderson Thompson saw it and heard what he said. That led me to believe she knew something about the matter, and I told her to go home; it made me doubt whether anything had happened to him, and I told her to go home to Bill and make a compromise.

Question. You say that Puryear's wife told you that Patterson Thompson was present.

Answer. Yes, sir; that was a colored boy in the neighborhood.

Question. Is he not one you said was in the camp?

Answer. No, sir; that was Squire Patterson Thompson, a white man; this was a colored man.

Question. Did she tell you it was a colored boy?

Answer. Yes, sir.

Question. Did she tell you how many there were that took her husband out?

Answer. She said there were only two that came into the house. I asked her what they did. She said they blocked up the door, and told her if she opened the door she would go up a spout.

Question. Was she in distress about her husband.

Answer. No, not at all; she said all she was afraid of was that he was still living; the only thing she seemed to regret was, she was fearful he was not going to die.

Question. Did she go to you to complain about the killing of her husband?

Answer. She came and told me she was afraid to go home. Then I told her to go and get a deputy sheriff, or Patterson Thompson, and we would go home and make a search. She went and got Captain Clendenin and some other men, and when they got within a quarter of a mile of the house, she would not go; they almost forced her to go. We did not know but he might be hanged on a tree.

Question. Did you know Puryear?

Answer. Oh, yes, sir.

Question. Was he a strong man?

Answer. A very strong, robust fellow.

Question. She told you that two men came in to take him out?

Answer. Yes, sir.

Question. And that there were about four men outside of the house?

Answer. Yes, sir.

Question. How long after was it that Puryear was found?

Answer. I don't remember how long.

By Mr. BLAIR:

Question. What was she afraid to go home for?

Answer. She said he would beat her to death if he was there alive.

Question. She was afraid of him?

Answer. Yes, sir. I told her to go; and that we would all go, and if he was there and commenced beating her, we would be there pretty quick.

By the CHAIRMAN:

Question. Did you ever hear that he was alleged to have seen some men going home who hung Outlaw?

Answer. Yes, sir; I heard about that.

Question. When did you hear about that?

Answer. I don't know; I heard it through some niggers. I cannot tell you how it was.

Question. Did you hear this alleged as a reason why he was drowned?

Answer. No, sir; I never heard that. I think it came from Graham or was published in some newspaper.

By Mr. BLAIR:

Question. From what you know of the alarm this woman felt in going to your house

and complaining of her husband beating her and expressing her apprehension of his doing it when she went home, did it lead you to the conclusion that if anything had been done to him it had been in consequence of his treatment of his wife?

Answer. Yes, sir; that was the general opinion in the neighborhood, both among the black and white people.

Question. And that it was done by blacks?

Answer. Yes, sir; and I didn't know what course to pursue.

By the CHAIRMAN:

Question. Did this woman ever come to you before and complain of the treatment of her husband?

Answer. No, sir; never before.

Question. Did she go that morning directly from her house to yours?

Answer. Yes, sir. I don't think the sun was more than an hour high.

Question. She told you she had been taken by violence?

Answer. Yes, sir.

Question. And they threatened that if she did not stay in she would go up a spout?

Answer. Yes, sir.

Question. Then after her husband had been taken out of the house by violence and threats made to her she came and complained to you and expressed her fears that her husband would return?

Answer. Well, sir, she did that any way.

Question. Did she say why she wanted to go out for her husband, and why they threatened at the same time to make her stay in?

Answer. No, sir.

Question. She did not want to follow out after he was taken?

Answer. No, sir. I asked her which course they took, and she said she couldn't tell because she was afraid to go out and look.

Question. They threatened to make her go back?

Answer. Yes, sir.

Question. And she did not say where she wanted to go?

Answer. I did not know where she wanted to go.

Question. Did you meet members of the organization in that meeting from other parts of the county?

Answer. I don't remember. I think the last night I was there, there was a man by the name of Mebane from Mebanesville.

Question. Did you meet people from other counties?

Answer. No, sir.

Question. Did you know whether the organization extended into other counties?

Answer. I did not.

Question. Have you never been told so by members of the organization?

Answer. O, yes, sir; I have heard that.

Question. Did not Mr. Wood, the commander of the camp, tell you it extended into other counties?

Answer. I don't remember distinctly whether he did or not.

Question. Did not other persons tell you?

Answer. That was my understanding.

Question. That it extended throughout the State?

Answer. I don't know; that was my understanding at the time.

Question. You got that understanding as a member of the order after you had been initiated?

Answer. Yes, sir; I never doubted that.

Question. Is not that your belief now, that it does extend throughout the State?

Answer. That is my opinion.

Question. Are its members so known to each other that they can communicate with and recognize each other when they meet them by grips and signs?

Answer. I don't know; I have forgotten the signs; I could not give a sign to save my life.

Question. You did give them, but have forgotten them?

Answer. I could not remember them when Bergen had me arrested.

Question. Do you remember what the sign of distress was?

Answer. I remember there was a word they used—Shiloh, I believe.

Question. Was not one of the signs two claps of the hands?

Answer. No, sir; I think one was to put your hand on the vest and slip it down.

Question. From the same information you got as a member of the order, how many of the order are there in the State?

Answer. I don't know; I never inquired or heard the number.

Question. Did you get any idea from the commander of your camp, or from any one in the order, how many there were in Alamance County?

Answer. No, sir, I never did; I never inquired much about it; I never knew much about it.

Question. Can you tell how many belonged to your particular camp ?

Answer. No, sir; I suppose fifteen or twenty.

By Mr. BLAIR:

Question. I see that James E. Boyd, on pages 142 and 143, gives this testimony:

“Question. Do you know anything of the assassination of W. R. Albright having been determined upon; if so, how, and what means did you take to prevent it?

“Answer. Yes, sir; I think it was about a year and a half ago. I heard from members of the organization that it had been determined to assassinate Mr. Albright. He is a citizen of my town and was a friend of mine, and I determined to prevent it if I possibly could. I saw some other members of the organization, and told them that it ought to be stopped. They agreed with me, and by the assistance of some others we found out the origin. I did not myself, but some others found it out, where the attempt was coming from, and succeeded in preventing it.

“Question. By what means?

“Answer. Simply by talking against it and persuading them to desist from their plan.

“Question. For what reason was he to be assassinated, and where was the determination arrived at?

“Answer. I do not know in what particular camp, or the particular man that determined upon his assassination. I think I received my information in regard to it from C. C. Curtis and W. S. Bradshaw.

“Question. Did they give you the reason that led to the determination?

“Answer. The reason was understood to be that he had made himself prominent in politics there, and was strongly opposed to the conservative party—insisted upon the rights of the negro.”

Question. Is that true?

Answer. I may have said something to Boyd after Mr. Stockard came to my house and told it, but I know nothing of the outrages. Stockard himself told me by whom it had been determined, and I may have spoken about the matter after that.

Question. Well, you did not tell him the origin of it?

Answer. No, sir.

Question. Did you tell him that this thing was contemplated?

Answer. No, sir; I never knew; Mr. Stockard himself, who came to my house, did not tell me where it originated.

By the CHAIRMAN:

Question. Do you know what C. C. Curtis told Mr. Boyd?

Answer. No, sir; I don't. I don't mean to say I never spoke to Mr. Boyd; we might have talked about it afterward.

By Mr. BAYARD:

Question. Did you ever at any time undertake to give James E. Boyd information respecting the murder of Outlaw or what had caused it?

Answer. I never did.

Question. You mentioned at the beginning that when you joined this order of the White Brotherhood, or whatever it was called, you did so under the apprehension that it was to protect your family and property and the families and property of your neighbors?

Answer. Yes, sir.

Question. Had your neighbors and that community been suffering from depredations?

Answer. Well, right in my neighborhood I cannot say that kind of things were done; it was not very far from where I lived, though; it was in another county. There were several barn-burnings; one was burned in my county. Then there were a great many white ladies that had been insulted by nigger men.

Question. Was there a sense of insecurity among you with regard to your barns and property?

Answer. Yes, sir, to some extent; no doubt about that.

Question. You were afraid they would burn them down?

Answer. Some had been burned.

Question. You say a great many white ladies had been insulted. Had there been an attempt made to ravish them?

Answer. Yes, sir.

Question. And you understand that this joining together of this organization was to prevent such things as that?

Answer. Yes, sir.

Question. It was that induced you to go in?

Answer. It was that induced me to go in.

Question. Are there such societies in your country known as Union Leagues?

Answer. I don't know; it has been reported so.

Question. What was your understanding about that; who belonged to them?

Answer. The colored people were supposed to belong to it.

Question. Was it the belief that these burn-burnings were the result of an organization among the negroes?

Answer. That was the general opinion, I think.

Question. Was it believed pretty thoroughly through the community?

Answer. I think so.

Question. Did you believe it?

Answer. I believed it; I could not tell; it was my opinion; I might be mistaken.

Question. In regard to the whippings that took place, were they caused by the acts of the parties, or were they ever done because of their opinions politically; were they whipped as a punishment, and for what?

Answer. There never was any whipping right in my section of the country; these persons that were whipped lived a good distance from where I lived.

Question. Were you ever present at a meeting where punishment of any kind was adjudged upon anybody?

Answer. No, sir.

Question. Were you arrested by Bergen?

Answer. Yes, sir.

Question. Where were you when you were arrested?

Answer. I went to Company's Shops to attend a meeting.

Question. What kind of a meeting?

Answer. It was a district conference of the Methodist church.

Question. A religious meeting?

Answer. Yes, sir.

Question. Had it anything to do with politics at all?

Answer. Not at all.

Question. What day was it that you went up?

Answer. I reckon it was Thursday.

Question. Are you a member of the Methodist church?

Answer. Yes, sir.

Question. Go on and describe your arrest.

Answer. Well, sir, I saw William Harden, and he told me that Bergen required me to report to him. I told Harden that I never had hardly any connection with it; merely joined, and I did not know anything about it. He thought I had better go and see Bergen, and he would let me off. I went the first evening I got there; I reckon it was Wednesday evening. I told Bergen my business at the store, and told him that I had been required to report to him through Mr. Harden. He said it was all right; he did not want to interfere with the meeting at all, and told me to report to him the next morning. The next morning about 9 o'clock I went to see him, and he had left; that was Thursday. On Friday morning he went down in the country after some persons. I was appointed to register the voters of my township. I consulted several people, and they thought I had better go and attend to that. I went to William Harden, and left notice for Colonel Bergen, giving the reason why I went home. The next day Lafayette Bradshaw, while I was registering voters, received a letter telling me that Bergen wanted me to report to him immediately. I stopped everything, and closed up the books. I was then detained in camp four or five days by Bergen.

Question. Did Bergen make any statement before you of the intention of trying prisoners by military commission?

Answer. No, sir; he never did.

Question. Did Kirk?

Answer. No, sir.

Question. When you came down to Graham to make the affidavit on the 30th of July last, before William A. Albright, clerk of the superior court, what induced you to go to do so?

Answer. It was the understanding that William R. Albright was brigadier general, and that he had control of the whole affair.

Question. The man called "Red Eye" Albright?

Answer. Yes, sir.

Question. What do you mean by control of the whole affair; control of the militia under Kirk and Bergen?

Answer. Yes, sir; in fact I think Mr. Stockard, and probably Henry Albright, had told me that William R. Albright said himself that he was brigadier general, and he would be president of the court by whom the prisoners were to be tried.

Question. That was to be a court-martial?

Answer. Yes, sir.

Question. Did you see William R. Albright, brigadier general?

Answer. Yes, sir.

Question. Did he say anything to you about making this statement?

Answer. Yes, sir; it was he that proposed these names at the bottom. I told him I

did not know Adolphus Moore. He said he did not want my opinion, but public opinion. I told him I did not know public opinion.

Question. This man, William R. Albright, told you he was brigadier general?

Answer. He did not tell me that himself, but I got that information from Stockard, and probably from Henry Albright.

Question. That he was to be president of the court-martial to try the prisoners?

Answer. Yes, sir.

Question. Did William R. Albright tell you that if you would make a statement you should have no trouble?

Answer. Yes, sir; he told me I would be released.

Question. Did he tell you what would be the fate of the people he tried?

Answer. He said they would suffer; there was no doubt about that.

Question. Describe to us how you gave this affidavit. Did you make the statements voluntarily, or did you make them in reply to questions by Albright?

Answer. I did it in reply to questions. He wanted me to state the whole conversation. These names he proposed himself.

Question. Did he let you speak freely, or would he correct you in making the statement?

Answer. I did that myself; the statement about being a member of the organization, I did that; he wanted me to state my connection with it.

Question. Did he suggest to you the names of the people himself?

Answer. Yes, sir.

Question. In your affidavit I find this language: "I had information from John R. Stockard, who came to my house and told me that there was a plot to assassinate W. Albright, and told me to do all I could to stop it. We talked the matter over, and he informed me that James Bradshaw was one of the leaders; in connection with which one was Joseph B. Thompson, Milton Thompson, Dick Thompson, Mike Thompson, Alex. Thompson, and John Thompson, of Patterson. I went to see James Bradshaw, who was not at home. I talked with John Bradshaw, who said he would use all his influence to put a stop to it. I had several conversations with James E. Boyd on this subject. He always expressed himself greatly opposed to such, and urged me to do all I could to stop it." When that was read to you, did you tell William R. Albright that it was not exactly what you meant to say?

Answer. About the assassination? Yes, sir.

Question. Did he put that in your mouth?

Answer. He put that in my mouth. I did not know whether it was to assassinate. Assassinate is to destroy, is it not?

Question. It is to kill. Did you know the meaning of it, now it is explained to you?

Answer. Oh yes, sir; I knew the meaning of it. I told him that night that I did not want to be understood so, for I could not tell whether they meant to kill him or not.

Question. William R. Albright took you into a room to put certain questions to you, and then suggested certain names, and a part of that language he suggested to you?

Answer. He named that word assassination, himself. I said I did not know about that, whether it was to assassinate him—maybe whip him—like others have been whipped. "Oh," says he, "of course it was to assassinate," and it was put down in that way.

Question. After this was written out, did you read it over?

Answer. No, sir.

Question. Was it read over to you?

Answer. Yes, sir.

Question. The whole of it, from beginning to end?

Answer. I reckon so.

Question. Do you remember that?

Answer. I suppose it was; I don't remember, correctly; it is now twelve months.

Question. What relation to William A. Albright to William R. Albright?

Answer. William R. Albright is William A. Albright's uncle.

Question. Is William R. Albright a pretty violent man in his opinions?

Answer. Pretty much so.

Question. How is William A. Albright?

Answer. He is a much milder man than William R. Albright—a very clever man.

Question. As this statement was taken from you, was it done under William R. Albright's suggestion to you as you went along? Did he question you and take down your answer?

Answer. He did, with regard to those men, and that word assassination.

Question. Who else was in the room when this examination was going on?

Answer. Only one other person besides William A. Albright and William R. Albright. I forget his name; he lives in Graham.

Question. Was he a witness?

Answer. Not that I know of.

Question. What room was it taken in?

Answer. In William R. Albright's house.

Question. His private residence?

Answer. Yes, sir.

Question. Is the community down there now quiet, peaceable, and orderly?

Answer. So far as I know.

Question. Do you consider property and person quite safe there?

Answer. I think so. I have not heard of any disturbance. I cannot think of any now since these outrages were committed.

Question. About what time was this whipping done?

Answer. I reckon it has been twelve months since Outlaw was hung, and these whippings were done some time before. I think that was the last act of violence committed in our county.

Question. Do you say that after Outlaw was hung, some men supposed to have been guilty of the outrage fled the country?

Answer. Yes, sir.

Question. Do you know now of the existence of any organization of the White Brotherhood, or do you believe the thing has been given up?

Answer. I think it has been given up. So far as I have any knowledge, no such organization exists.

Question. Have you heard of any assault of any kind upon person or property in that county since you made that statement last July?

Answer. No, sir; I have not since Outlaw was hung.

Question. Everything seems quiet down there?

Answer. Yes, sir.

Question. How do the colored people get along?

Answer. Very well.

Question. They sit on your juries?

Answer. Oh yes, sir.

Question. Got their rights all the time?

Answer. Yes, sir, so far as I have any knowledge.

Question. Are they behaving quietly and civilly?

Answer. Yes, sir.

Question. Have they got colored schools down there?

Answer. They have none immediately in my neighborhood. They are going to start one in a few days—trying to get a colored teacher.

Question. Any trouble about that?

Answer. Not a bit.

Question. No disposition to interfere with them?

Answer. None in the world.

Question. Did you consider the taking of the oath which you took prevented you at any time from telling the truth before a court of justice or before this committee?

Answer. Not at all; I think the very first proposition was that no obligation that I was required to take would interfere with my own private opinions, my own views about right and wrong, either to my God or my country.

Question. Do you know of anything in the oath as administered to you that would ever interfere with your duty as a citizen, whether you were a juror or a witness?

Answer. I think not. I did not understand it in that way.

Question. Would you not have felt yourself deterred any the less from doing your duty as a witness or as a juror?

Answer. Not a bit of it.

By the CHAIRMAN:

Question. Did you and Mr. Boyd ever talk about the assassination of Albright?

Answer. I do not remember that we ever did. I do not pretend to say we did not.

Question. Did you and he talk at any time about the affairs of this secret organization?

Answer. Oh yes; I spoke about it. I told him I was opposed to everything of the kind, and he said he was too.

Question. Did you not talk about it frequently?

Answer. Well, I suppose several times. I do not doubt but what we did several times.

Question. Was he a leading member of the democratic party?

Answer. Yes, sir.

Question. A candidate for the legislature?

Answer. Yes, sir.

Question. A man of good character and understanding?

Answer. Oh yes.

Question. You and he talked about the matter, and agreed between yourselves that the outrages that were being perpetrated would have to be stopped?

Answer. Yes, sir.

Question. Now, can you say that in any of these conversations you did not talk about what was intended to be done against Albright?

Answer. I cannot remember. I do not doubt but what we did, but there is one thing certain, I never told him where it started or who was going to do it; I never had any knowledge.

Question. Do you know Mr. C. C. Curtiss?

Answer. Yes, sir.

Question. Who is he?

Answer. A farmer who lives some five miles from where I live.

Question. Is he acquainted with Mr. Boyd?

Answer. Oh yes, sir.

Question. You do not know what communication Mr. Curtiss made to Mr. Boyd?

Answer. No, sir; he seemed very frank with him.

Question. Is he a member of the order?

Answer. Yes, sir; a very prominent man.

Question. You have not named him, however, as being one of the members.

Answer. He belongs to another portion of the county, but I am satisfied he is a member, for he was a witness at Raleigh; he said so himself.

Question. You have spoken of barn-burning in another county; what county was that?

Answer. Orange, and one in Alamance. There were three barn-burnings in one night in the same neighborhood.

Question. How long before the organization of the White Brotherhood were they burned?

Answer. I do not know.

Question. Was anybody arrested for burning them?

Answer. Yes, sir, some niggers.

Question. Tried?

Answer. I think probably. There was a nigger tried.

Question. Was he convicted or acquitted?

Answer. I do not remember.

Question. What is your impression?

Answer. I think he was not convicted. I think there were two niggers put in jail. This is what I understand, and what is the general understanding; and I think they were taken out by force.

Question. What was done with them?

Answer. I think one was shot. He was not killed, and the next morning they were caught and put back. I think this one that was shot died, and the other was tried and acquitted.

Question. Who took them out of jail?

Answer. I don't know.

Question. Was there an organization of the White Brotherhood in Orange County at that time?

Answer. I do not know whether there was or not.

Question. How long was that before your organization in Alamance County?

Answer. I do not remember when that was.

Question. Was it before it at all that the negroes were taken out and the barns burned?

Answer. I think it was before I was a member.

Question. That was one of the barn-burnings in Orange County; was there any other burning given as a reason for organizing it?

Answer. I do not remember any other burnings in that section of the country.

Question. Then that single barn-burning was the reason given for organizing the White Brotherhood?

Answer. That with other things.

Question. Was the burning of any other barn than this one alleged as a reason for the organization?

Answer. I do not know whether the barn-burning was assigned as a reason any more than other things.

Question. You say white ladies had been insulted; can you name any in your neighborhood?

Answer. Yes, sir; I remember one case in my immediate neighborhood by a nigger man, Mr. Thompson's daughter. The nigger did not live more than half a mile from my house.

Question. What became of him? Was he arrested?

Answer. He fled the country.

By Mr. BAYAR?

Question. Did he undertake to ravish the young lady?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Did he ever return?

Answer. No, sir.

Question. Any other instance?

Answer. There was one about Company's Shops; the boy was arrested and hanged.

Question. Was he tried and convicted?

Answer. Yes, sir.

Question. Any other instance?

Answer. None in my neighborhood.

Question. Was there any trouble in convicting negroes when they were arrested and tried for offenses of that kind, with the evidence against them?

Answer. None at all.

Question. What justification, then, was there for the formation of the White Brotherhood if the law could be executed?

Answer. Well, sir, that was just alleged as a reason.

Question. Was it alleged as a pretext?

Answer. And then it was argued by some that whenever they were tried and convicted they were pardoned by the governor.

Question. That man that was hanged was not pardoned, was he?

Answer. No, sir.

Question. How about the other man?

Answer. The other man was never tried.

Question. Then was anybody pardoned in your county?

Answer. I do not know. I cannot remember the names.

Question. Was there any negro tried and convicted in your county and pardoned?

Answer. No, sir.

Question. Was not this allegation about protecting yourselves from the wrongs of the negroes a mere pretext for that organization? Was there anything real in it?

Answer. Well, sir, I do not know.

Question. What do you believe about it?

Answer. My own opinion about it was that the civil law could always be executed.

Question. And that there was no reason to justify the organization of that society for that purpose? What do you say to that?

Answer. I think so; that is my opinion. I think the civil law could always be executed in my county at any time.

Question. You have spoken about your arrest by Colonel Bergen. Was there any violence offered to you?

Answer. None at all.

Question. Were you permitted to go upon your own assurance that you would return?

Answer. Yes, sir; when I was first arrested.

Question. Was there any violence or intimidation of any sort offered to you to compel you to confess?

Answer. No, sir.

Question. Was your confession, so far as your own act was concerned, a voluntary one?

Answer. Yes, sir; after hearing what I did about Squire Albright having this power, and having conversations about it. Any way, I wanted to be at home attending to my business, and I thought it was better for me to do it.

Question. But you were not influenced to tell anything but what was actually true in your statement?

Answer. No, sir. With regard to the character of these men, he proposed their names, and I told him I was not acquainted with Mr. Moore or Mr. Thompson. He said they were desperate men, and then pointed out that Mr. Moore was the man.

By Mr. BAYARD:

Question. He proposed their names?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Did you say this: "From what I have been told by members of the organization, and by those who ought to know, I regard Peter Foust's boys, A. G. Moore, J. W. Steele, David A. Mabane, Anderson Thompson, T. T. Turner as such characters?"

Answer. I did not know anything about Mr. Moore, whether he is a member. Some of them I had never heard of. I do not know to-day whether they were members.

Question. That statement was made in connection with this statement, which I will read to you:

"My impression is that there is in Alamance County seventy-five or more desperate men belonging to the organization, who would commit any crime to carry out their purposes and designs."

Answer. That was proposed by W. S. Albright with the whole of that declaration from that out, and I told him I did not know these names.

Question. From what information you now have, do you still believe there were "seventy-five or more desperate men belonging to the organization?"

Answer. I have no idea about it; there might have been that number and there might have been more.

Question. "Who would commit any crime to carry out their purposes and designs?"

Answer. I would not say that.

Question. Was that read to you?

Answer. Yes, sir. I told him at that very time, "I want you to understand that I do not know these men."

Question. You say in your affidavit "my impression is that there is in Alamance County seventy-five or more desperate men, belonging to the organization, who would commit any crime to carry out their purposes and designs." Did you believe that to be true at the time you made that statement, without regard to the names?

Answer. He just had his way; he said that was public opinion, and said he did not want my opinion at all.

By Mr. BAYARD:

Question. Mr. Albright made you give that as your opinion?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Did you give that as your meaning?

Answer. I wanted it to be distinctly understood, and I talked to him since, that I subscribed to it as his (Albright's) opinion. He said he did not want my opinion. I talked to him afterwards, and he said that he never intended to have that part published at all.

Question. Did you not understand that, as stated, to be your impression and not his?

Answer. Not a bit of it.

Question. What is your belief now as to the extent to which the members of the organization would have gone, to have carried out their purposes?

Answer. Oh, there are some bad men, and no doubt they would do just as meanly as they could do, but I did not know that these men, a portion of them, were members—Thompson nor Moore.

Question. The other ones were?

Answer. I have understood Foust was; he never was in any meeting, though.

Question. You have spoken about your interview with Albright as brigadier general; you stated that you did not get your information from him about the military court, but from Stockard and Henry Albright; is he a brother of William R.?

Answer. Henry Albright is, and he has since shown me a paper where Wm. R. gave him a parole and signed his name brigadier general.

Question. Was not Henry Albright a member of the White Brotherhood?

Answer. I understood so.

Question. Did he not sign a confession, the same as you?

Answer. I understood he made a confession; I never saw it.

Question. Was not Stockard also a member?

Answer. Yes, sir.

Question. Both these men who told you about the intended military court were members of the Ku-Klux organization?

Answer. Yes, sir.

Question. You did not get that from Wm. R. Albright at all?

Answer. No, sir; but then after I went to him he told me it was better to go and make confession.

Question. Look at the statement, now shown you, dated July 23, 1870, signed by a number of members, your name among the rest:

"ALAMANCE COUNTY, July 23, 1870.

"We, the undersigned citizens of Alamance County, do hereby acknowledge that we have been members of an organization in said county known to the public as the Ku-Klux Klan, but known to the members thereof as the White Brotherhood, or Constitutional Union Guard.

"This organization in the outset, as we understood it, was purely political, and for the mutual protection of the members thereof and their families; but, since joining, we have been pained to know that, while the objects of the organization were to attain certain political ends, the means used and resorted to were such as would shock a civilized and enlightened people. And we hereby publicly and independently dissolve our connection with this organization, and call upon upright and law-abiding citizens everywhere to do the same thing, knowing, as we do, that unless the crimes which have been committed by this organization can be put a stop to, and the organization

Itself entirely broken up, civil liberty and personal safety are at an end in this county, and life and property and everything else will soon be at the mercy of an organized mob.

"We intend to see that the signs, grips, and pass-words of this organization are fully exposed, together with the plans of operations, &c., so that the people everywhere may see with their own eyes.

"In making these confessions we have implicated no one but ourselves, but we hope that our friends will take warning, from what has transpired within the last few days, and immediately withdraw from organizations such as we have mentioned, and assist us and all other good citizens in restoring peace and good order in our county.

"CLEMENT C. CURTIS.

"JAMES E. BOYD.

"ROBERT HANNER.

"JOHN R. STOCKARD.

"JACOB MICHAEL.

"J. N. H. CLENDENIN.

"HENRY ALBRIGHT.

"JAMES H. FOUST.

D. D. TEAGUE.

A. J. PATTERSON.

J. A. J. PATTERSON.

JOHN G. ALBRIGHT.

CHRIST. C. CURTIS.

S. A. CURTIS.

W. S. BRADSHAW.

JASPER N. WOOD.

Did you sign that?

Answer. No, sir.

Question. Is your name there?

Answer. Yes, sir.

Question. How was it procured?

Answer. This is the first time I ever read it.

Question. Was Clement C. Curtis a member of the organization?

Answer. Yes, sir.

Question. Robert Hanner?

Answer. Yes, sir.

Question. James E. Boyd?

Answer. Yes, sir.

Question. John R. Stockard?

Answer. Yes, sir.

Question. Jacob Michael?

Answer. I do not know anything about Michael.

Question. J. N. H. Clendenin?

Answer. Yes, sir.

Question. Henry Albright?

Answer. Yes, sir.

Question. D. D. Teague?

Answer. Yes, sir.

Question. A. J. Patterson?

Answer. I don't know; I am not acquainted with him.

Question. Was he by reputation a member of the organization?

Answer. Yes, sir.

Question. John G. Albright?

Answer. Yes, sir.

Question. Christopher C. Curtis?

Answer. I don't remember anything about him.

Question. S. A. Curtis?

Answer. I don't know anything about him.

Question. W. S. Bradshaw?

Answer. I was one, but I did not sign that.

Question. Jasper N. Wood?

Answer. He was chief.

Question. Is there any other Bradshaw?

Answer. None other. I can explain that. John R. Stockard came down to my house, I think, the same day this was signed. He told me what was going on; that was the first I knew of any arrest being made. He said they had signed a piece of writing, to the effect that they were going to disband and have nothing to do with it. I told him I was entirely favorable to that, and I didn't care who knew that I had belonged to it; that I was opposed to the whole system, and if that was all there was of it, he might just go and put my name to it.

Question. You gave your authority to Stockard to put your name to this?

Answer. Yes, sir; but I never read it before.

Question. Are the statements made in it correct? Was it read to you?

Answer. No, sir; he told me that was the substance of it.

Question. Without regard to how you came to sign it, do you say that the statement in this card, in which your name appears, is correct?

Answer. (Reads the card.) No; I don't understand it to be "purely political." I never did understand it in that way.

Question. Is there anything else in it to which you find exception?

Answer. I do not know that there is.

Question. Then, with that exception, the statement you say is correct?

Answer. Yes, sir.

By Mr. BAYARD:

Question. Do you now say that "the means used and resorted to were such as would shock a civilized and enlightened people?"

Answer. I do not know that to be so at all, because I don't know that these things were perpetrated by that organization.

Question. Did you ever know?

Answer. Never on earth.

Question. Knowing, would you be willing to say that that organization had committed crimes against "civil liberty and personal safety" as an organization? Did you know that ever to be so?

Answer. No, sir.

Question. Would you ever sign a paper which contained that statement as a fact?

Answer. No, sir.

Question. Do you know who drew that paper?

Answer. I do not.

Question. Did you ever hear that James E. Boyd drew it?

Answer. I have heard something about it; I don't know that he did it.

Question. You never saw this paper; you never put your hands to it, and you say in the points you have mentioned, it is not true, that is, about its being purely political, and having used means such as would shock a civilized and enlightened people?

Answer. No, sir; I have no knowledge of it.

Question. What was the kind of paper which you intended to sign?

Answer. That I intended to dissolve my connection with the organization.

Question. Was that all?

Answer. That was all.

Question. You did not say anything more?

Answer. No, sir; it was merely to get out of it.

Question. What other men signed the paper in this way?

Answer. I do not know.

Question. Have you ever talked with those who signed it?

Answer. No, sir; only with Mr. Stockard; I have told several people how my name happened to be there.

Question. Did you ever talk with the rest of the men whose names are here?

Answer. Yes, sir; I talked with Clendenin.

Question. What did he say?

Answer. He regretted very much that he had signed it; did not exactly understand it; something like that.

Question. This was the 21st day of July, 1870; at that time, had Kirk and Bergen been sent to that county with the militia?

Answer. I think they had just come there; probably some were arrested—Scott and some others, I think.

Question. Had he begun his arrests about that time?

Answer. I think so.

Question. Did it put the community in great fear and alarm?

Answer. There was a great deal of confusion and alarm.

Question. People thought they would be arrested?

Answer. Yes, sir.

Question. W. R. Albright exhibited to one of his relations a roll with his name on it as brigadier general, and told them he was to be present at the court-martial to try them; then these confessions, such as you made, were made under his suggestion that you had better do it?

Answer. Yes, sir.

Question. Then he suggested to you the names of the parties and points of the affidavits of which you have spoken?

Answer. Yes, sir.

Question. You are a married man; have a wife and family?

Answer. Yes, sir.

By the CHAIRMAN:

Question. The obligations of this order were of such a character that it would require some such means as this before anybody divulged them, and nobody had divulged them, before these men came there?

Answer. Yes, sir.

WASHINGTON, D. C., February 22, 1871.

DANIEL WORTH affirmed and examined.

By the CHAIRMAN:

Question. Where do you live?*Answer.* At Company's Shops, Alamance County, North Carolina.*Question.* How long have you lived there?*Answer.* Some fifteen years.*Question.* What is your occupation?*Answer.* I have sold goods there up to the first of January a year ago.*Question.* Have you any knowledge of the condition of affairs in that county as affected by any secret organization in it, of any character?*Answer.* I do not know anything myself; I have heard of disturbances there.*Question.* Are there any secret organizations in your county the operations of which interfere with the security of person and property?*Answer.* There are certain organizations there, but I do not know anything of them myself.*Question.* Are you a member of any of them?*Answer.* I am not.*Question.* Have you been?*Answer.* Never was of any secret society whatever, except the Freemasons.*Question.* If there are any of these secret societies of which you have sufficient knowledge from public information, which affect the security of person and property, name them.*Answer.* I cannot do that, because I do not know anything of them. But there certainly has been a secret organization which has committed some depredations in our county.*Question.* What is it called?*Answer.* It was called before that Ku-Klux.*Question.* What is the nature of the depredations?*Answer.* There have been some whippings, and one man hung, said to have been done by this organization.*Question.* Have you any knowledge of any facts that bear upon the security of society in that county?*Answer.* I have not.*Question.* Have you had any general intercourse with the citizens of that county?*Answer.* Oh yes, sir.*Question.* Did those whippings and that hanging which you have mentioned produce a state of alarm in the minds of the people?*Answer.* It created a good deal of anxiety; I do not know that it amounted to alarm. I do not think it did, so far as my knowledge extends.*Question.* Were the persons who committed these outrages arrested and brought to trial?*Answer.* They were, in the case of a whipping that occurred in our place.*Question.* What case was that?*Answer.* That of a man of the name of Corliss.*Question.* Were they apprehended?*Answer.* He charged that certain parties did it. They were brought before the magistrate and tried; so I understood; I was not there.*Question.* Were they committed or discharged?*Answer.* They were discharged.*Question.* For want of evidence to identify them?*Answer.* I suppose so. I was not there when the trial was going on.*Question.* Then of your own knowledge you know nothing about this occurrence?*Answer.* I do not, except I can tell you that this man was teaching a colored school, if you want the story.*Question.* We have had him here himself; if there is anything you know which will throw light on the subject you may state it.*Answer.* I do not know that it does. My cook woke me up that night and told me she heard somebody crying at my gate. It sounded very much like a child. I got up and went to the door and made some noise, so that anybody might know it. I heard no one, and went back, but could not go to sleep thinking about a child being there. After awhile the dogs commenced barking. I went out and walked up and down the road some distance to see if it was a child. I thought perhaps it was a child lost. After some time I heard a noise across the railroad, near by. I started in that direction and met Corliss's wife right on the bank of the railroad; she had not dressed; she told me the story about disguised men coming there; she said the Ku-Klux had come and taken Corliss away to kill him. I told her I hoped not, and that she had better go back. I thought the best thing for her to do was to go back to the house; I had no doubt but what he would be in soon, and that he would in all probability tell her so.

She started off. The next morning I went there very early; I suppose I was the first white man that was there. I got Dr. Moore and went in to see him. She told me that he came in a few minutes after I saw her.

Question. What time in the night did this occur?

Answer. I think about one o'clock.

Question. Did she tell you how many men came to her house?

Answer. I think she said there were three came in the house.

Question. Did she tell you which direction they had gone?

Answer. Yes, sir; right up the road, gone west.

Question. Did she say she apprehended they were going to kill him?

Answer. Yes, sir.

Question. Did you make any effort to go after these men?

Answer. I did not.

Question. Did you arouse the neighbors?

Answer. No, sir; I did not go to bed any more. He came down directly afterward, although I did not know it till next morning.

Question. The woman met you in distress and alarm; told you that three men had taken her husband out and were going to kill him at Company's Shops, in the village, at one o'clock at night, and you made no effort to go after the men?

Answer. I did not.

Question. And you aroused none of the neighbors?

Answer. She told me she had been down. There was a watchman kept there on the ground.

Question. Did you arouse any of the neighbors.

Answer. I did not.

Question. Did you go for a public officer?

Answer. I did not.

Question. Did you believe the woman, that the men had taken her husband out?

Answer. I had no ground to doubt it.

Question. Why, then, did you not make some effort to look after the men at that time of night?

Answer. She told me she had been down for the watchman to go after them.

Question. Did you feel afraid yourself to go after them?

Answer. Well, I did not care to go around after them.

Question. Why? Were you afraid of violence to yourself?

Answer. Well, yes; I should have been afraid to have gone up and attempted to rescue him from the hands of the party that she supposed had him.

Question. Did you think that was the part of a good citizen, to permit a man to be carried off and make no effort to take him out of the hands of lawless men?

Answer. Well, if she had applied to me, and I had been an officer, I suppose I should have felt it more my duty to go.

Question. What position did you take with regard to that when it became known to you what had been done with Mr. Corliss? Did you make any effort to arrest the men?

Answer. I did not; I was not summoned to do it. He went and made complaint, accusing certain parties in the village of doing it. They were all arrested, I believe, and carried before a magistrate.

Question. Did you think he was getting about what he deserved? or what was your reason for not looking after him?

Answer. I did not know that that duty devolved upon me.

Question. What was your sentiment? Did you condemn the act?

Answer. No, sir; I did not approve of it.

Question. Did you excuse it or seek to palliate it?

Answer. No, sir, I did not.

Question. What did you say about it?

Answer. I had very little to say about it.

Question. You saw how the man was injured and beaten the next morning?

Answer. Yes, sir.

Question. Was he a cripple before?

Answer. Yes, sir.

Question. Did you there denounce it at once as a wrong against him?

Answer. Certainly, I did. I think that the majority of our citizens did.

Question. Was he a peaceable, good citizen?

Answer. There were some objections to him.

Question. What was the objection to him?

Answer. It was interfering. He would go up to a couple of gentlemen who were talking, no matter how privately, and interfere in the conversation. I suppose that is as great an objection as I know. I have heard a good deal of complaint of that sort, and I have witnessed myself his walking up to gentlemen who were conversing, and interrupting them. I do not know that there was anything more than that.

Question. He had bad manners, then?

Answer. Yes, sir.

By Mr. BAYARD:

Question. Did you hear about his intruding colored people into a church with white people?

Answer. There was a case of that kind in the adjoining county.

Question. Was that charged against him?

Answer. Yes, sir; in the adjoining county.

By the CHAIRMAN:

Question. Do you think it was true?

Answer. I think it was true.

Question. Is there any other instance, beside that which you know, of the personal liberty or rights of any one having been invaded?

Answer. I do not. I was passing through Graham the morning after Outlaw was hung, and saw him before he was taken from the tree, about 9 o'clock.

Question. Had you any doubt whether he had been hung by what is known as the Ku-Klux?

Answer. That is what report said.

Question. Had you any doubt?

Answer. I do not know; I saw him hanging; that is all I know about it.

Question. Is there any organized band of people in your county that you would attribute an act of that kind to?

Answer. No, sir.

Question. Would you attribute it to the Ku-Klux from your knowledge of their operations?

Answer. No; I only know it was said that they did it.

Question. What was your own belief?

Answer. It was done at night by disguised men; they say I have no reason to doubt it.

Question. In regard to those operations, have you sympathized with them in any manner—these Ku-Klux operations, as they are termed?

Answer. I have not; I do not know what they are in the county. I have no idea that there was one in our village that belonged to the organization.

Question. Were there any in your village that you know of now?

Answer. It turns out that there were some there at last according to the evidence. *Question.* The purpose for which you were brought here was to give your knowledge of the state of security for person and property in that part of the State in which you live. Give us any fact that you know of bearing on that question, within the last three or four years.

Answer. In my judgment it has been safe, although there were these cases I have spoken of. With that exception I know of no other. O, as to property, I had a school-house burned in the place.

Question. To what do you attribute that?

Answer. To a difficulty between me and a man that lived in the place.

Question. It was a personal question?

Answer. A personal matter.

Question. With which political party, if either, have the acts of these Ku-Klux been associated or identified?

Answer. Those who have acknowledged that they belong to the organization, I believe have been acting with the conservative or democratic party. Most of them that I know of have.

Question. Have the parties themselves taken sides with reference to the acts of this organization?

Answer. I do not think that any of these acts of violence have been approved by the best men of our section of the country. I think you will find that the best men have disapproved of all these acts of violence.

Question. Which party do you act with yourself?

Answer. With the conservative party.

Question. Have members of that party ever in your hearing justified or excused the acts of the Ku-Klux?

Answer. I do not recollect of any one having done so. It may have been done, but I never heard any one justify these acts of violence that I recollect.

Question. Have members of the republican party either justified or excused them?

Answer. I do not recollect of hearing any remark by any man justifying them.

Question. So far as you know, have any of the members of the organization been members of the republican party?

Answer. Not that I know of.

Question. Have you given us all the knowledge in relation to the state of affairs in Alamance County that you have?

Answer. I think I have.

Question. All the occurrences that have affected the personal liberty or security of anybody?

Answer. Yes sir. I know of no other cases. I have heard of some, but then I know nothing at all about them.

By Mr. BAYARD:

Question. You say you have been fifteen years a resident of North Carolina?

Answer. All my life. Fifteen years at Company's Shops.

Question. You are a native North Carolina man?

Answer. Yes, sir.

Question. You say you have been selling goods for fourteen years; does your business as a merchant lead you into pretty general intercourse with the people of your section?

Answer. It has till a year ago, when I closed out my business and turned my attention to something else. My family are still there, but I have been in the eastern part of the State.

Question. Do you consider that you have a pretty good knowledge of the public sentiment of that part of the country?

Answer. I do.

Question. Do you consider that most persons and their property are there as secure by the law as they are elsewhere?

Answer. I think so.

Question. Have you any doubt about it?

Answer. I have suffered as much as any man there on account of this burning. I had a handsome house burned there, but that might occur anywhere.

Question. Was that a case of personal spite against you?

Answer. Yes, sir.

Question. Do you consider that these acts of violence have been caused by anything else than the personal vindictiveness of individuals?

Answer. I think they must be attributable to that.

Question. Do you consider that part of the country just as safe and quiet as any other part?

Answer. I have left my family there. I have been passing backwards and forwards for the last year.

Question. Do you regard it as safe for men of all colors and all opinions?

Answer. I think it is.

Question. You spoke of Mr. Corliss being in the habit of interfering with other people's matters; was he in the habit of intruding his views upon other people and talking to them?

Answer. I think he did.

Question. Was he a rude man in that way?

Answer. He was so considered; I think he was.

Question. Was he very unpopular?

Answer. In that respect; in no other, so far as I know.

Question. You know he kept a colored school?

Answer. Yes, sir.

Question. Was there any feeling in the community against him on that ground?

Answer. There might have been some, but I think it was very limited.

Question. Was there any disposition to interfere with his business in that way?

Answer. Not that I know of. Speaking about the school, I had something to do with his coming there at first, at least in getting up the school, myself.

Question. Go on and state it.

Answer. In 1865 we built a school-house, that we occupied also as a church, for the white people. In 1868 the ladies raised a fund to build a church. I was one of the building committee, and was appointed by the commissioners, in whose hands the first school-house remained, to sell it. I told them I thought I could sell it to the Government as a school-house and place of preaching for the colored people, which they wanted very much. I did sell it to the Government.

Question. Who bought it?

Answer. General Miles and Dr. Vogel. Dr. Vogel had it moved off on to a lot that I succeeded in getting the railroad company to give to the colored people. Then arrangements were made with a Philadelphia association to send a teacher. They first sent a lady. I saw the superintendent of these schools, or the man who had charge of them, and I asked him to send a man, and he sent Mr. Corliss. He had been teaching before that in the county below us.

Question. Were you anxious to have the colored people taught?

Answer. I was, and am yet.

Question. Are your relations with them those of a friend; are you friendly to them?

Answer. I am.

Question. Desirous to see them improve?

Answer. I am.

Question. Do you know whether one or more of the men who carried off Corliss and whipped him were colored men?

Answer. I do not.

Question. Do you know of his saying he was a colored man?

Answer. I do not. I do not believe I ever heard him say such a thing. There were four or five men arrested, and neither of them was a colored man.

Question. Was there any evidence against them at all being concerned in the business?

Answer. I think not. I was not at the trial.

Question. Who was the justice before whom they were tried?

Answer. Wm. D. Pomeroy.

Question. Is he a respectable, worthy man?

Answer. A very clever man; a republican.

Question. He heard what Corliss had to say, and discharged the men that had been arrested?

Answer. Yes, sir.

Question. You say Corliss rendered himself very unpleasant to the people; was he in the habit of interfering with people?

Answer. Only in the way I spoke of.

Question. Was he by conversation?

Answer. Yes, sir; I do not think he was a tale-bearer, anything of the sort, but it was just as I told you. I know he offended men in that way; that is the only way.

Question. Was he an eaves-dropper?

Answer. No; I cannot say that he was. He would just walk up and join in any conversation, or eaves-dropper, or slandering anybody. He rendered himself objectionable by going up and joining in conversation.

Question. With people whom he did not know?

Answer. Yes, sir; just as liable to do that.

Question. Have you yourself openly disapproved of this act of violence upon Corliss?

Answer. Yes, sir.

Question. Was that the sentiment of most people?

Answer. I think it was.

Question. Were they very positive about it, saying it was a great wrong?

Answer. A great many were.

Question. Without respect to party?

Answer. Yes, sir.

Question. Do you consider that any quiet, orderly, respectable man can go down there and teach a colored school, or any other school he pleases, with perfect safety?

Answer. I have no doubt about it. There was a young man from Maine lived at my house two years and taught a school of white children.

Question. He was welcome?

Answer. Entirely so.

Question. No disposition to interfere with him at all?

Answer. None in the world, that I ever heard of.

Question. Are there a great many northern people around you?

Answer. Not a great many; there are some.

Question. Are they treated with kindness?

Answer. I think they are, so far as I know. There was a man recently come into our neighborhood from Pennsylvania who is looked upon as clever a man as we have in our community, by all parties, I believe.

Question. The people all welcome him?

Answer. Yes, sir.

Question. Treat him kindly, and receive him as a fellow-citizen?

Answer. Yes, sir.

By Mr. RICE:

Question. Did he act with the conservative party?

Answer. I think he did. I do not know that he ever voted.

By Mr. BAYARD:

Question. Would it make any difference what a man's politics were if he behaved like a good citizen?

Answer. I do not believe it would make a particle of difference with that man if he was a republican. I believe he would be treated as kindly as he is.

Question. Does it make any difference whether a man votes one way or another if he behaves himself like a good citizen?

Answer. O, no; he is not interfered with a particle.

WASHINGTON, D. C., February 22, 1871.

GEORGE S. ROGERS sworn and examined.

By the CHAIRMAN:

Question. Where do you live?*Answer.* In Alamance County, three miles south of Graham.*Question.* How long have you lived there?*Answer.* All my life-time; twenty years.*Question.* What is your occupation?*Answer.* A farmer.*Question.* Have you had any connection with any organization in that county known as the Ku-Klux?*Answer.* No, sir; not known by that name.*Question.* Have you with any known as the White Brotherhood?*Answer.* Yes, sir.*Question.* How did the name Ku-Klux get out?*Answer.* I do not know.*Question.* Was that a name that the White Brotherhood gave publicly as one that they could deny?*Answer.* No, sir.*Question.* Were you a member, then, of the White Brotherhood?*Answer.* Yes, sir.*Question.* When were you initiated?*Answer.* In the fall of 1868, I think.*Question.* By whom?*Answer.* I don't know his name; a man in disguise; I did not learn his name.*Question.* Where were you initiated?*Answer.* Near the neighborhood; in a field.*Question.* Who made the proposition to you to join?*Answer.* A man by the name of Stookard. He came over to see me, and asked me to go with him a piece home. I went with him, and he made the proposition.*Question.* Was he present when you were initiated?*Answer.* No, sir; he left before I was initiated.*Question.* Do you not know who it was who initiated you?*Answer.* No, sir.*Question.* You never discovered?*Answer.* Never discovered.*Question.* Upon what month were you initiated; what month?*Answer.* I do not know the month.*Question.* How long did you continue a member of it?*Answer.* Till some time in 1869; there had been some whipping done, and it was alleged that these parties were doing it, and we had a meeting for the purpose of putting it down.*Question.* Putting what down?*Answer.* The organization.*Question.* Who called the meeting?*Answer.* I suppose it was a county meeting. Mr. Long was the chief.*Question.* Were you one of the commanders?*Answer.* No, sir.*Question.* Were you at the county meeting that Mr. Long called?*Answer.* Yes, sir.*Question.* How did you happen to go to it, if you were not one of the commanders; was there anybody present but the commanders?*Answer.* Yes, sir; there were some others. I do not suppose they were commanders.*Question.* Were you lieutenant in any of the camps?*Answer.* No, sir; no officer.*Question.* How many of the order were present at that county meeting?*Answer.* I suppose there were some fifteen or twenty; maybe not so many.*Question.* What did you do at that meeting?*Answer.* Well, they did not do anything, only they talked over what had been done; made some inquiry if it had been any of that organization that did the whipping.*Question.* Whether any of the people of this society were engaged in the whipping?*Answer.* Yes, sir; but that was not all.*Question.* What did you find to be the case?*Answer.* We did not find any.*Question.* What conclusion did you arrive at; that you would keep up the organization?*Answer.* We concluded we would break it up.*Question.* Was that unanimous?*Answer.* Yes, sir.

Question. All of you voted in favor of it?

Answer. There was no vote; but then that was the order of Mr. Long, and he was the chief.

Question. What is your recollection about that?

Answer. Nobody opposed it; all agreed to it, I think.

Question. Did you all abandon the organization?

Answer. Yes, sir; I did.

Question. Did you ever attend a meeting after that?

Answer. I never did.

Question. How many meetings had you attended before that?

Answer. I attended one after I was initiated.

Question. Only one?

Answer. Only one.

Question. What camp were you a member of?

Answer. Of no particular camp that I know of.

Question. Who was the commander of the camp?

Answer. Mr. Long was the commander of the meeting that I attended.

Question. A county meeting?

Answer. Yes, sir.

Question. Was it in the camp that you met at Graham that you were initiated?

Answer. Yes, sir.

Question. Were you present at the whipping of anybody in the county?

Answer. No, sir.

Question. Did you know anything about the whipping of Caswell Holt?

Answer. No, sir.

Question. Will you look at that oath, (page 2, President's message, in relation to North Carolina,) and say whether that is the oath of that organization?

Answer. (Reads it.) This is part of it. It was not all read when I was initiated. I never saw it all in full. The latter part of it, from the words "Grand Army of the Republic" down to "you further swear," I do not remember that.

Question. Are the terms of that oath the same as the one you took, with the exception you have named?

Answer. Yes, sir.

Question. What was the penalty for revealing the secrets of the order?

Answer. I never heard any penalty.

Question. No explanation made as to what the penalty was?

Answer. No, sir.

Question. Were you told at any time that it was death?

Answer. No, sir.

Question. Do you feel at liberty to tell here what you were told about the organization?

Answer. Yes, sir.

Question. Did you consider the terms of the oath bound you to obey the order of your chief or commander?

Answer. As far as I was able it was understood.

Question. Were you apprehensive, at the time this county meeting was called, that you would be called upon to do things you did not consider right?

Answer. No, sir.

Question. Why was the meeting called?

Answer. There had been some whipping done, and the camp wanted to find out who was doing it.

Question. Was it alleged that the Ku-Klux or White Brotherhood had been doing it?

Answer. Yes, sir.

Question. Who alleged that?

Answer. It was neighborhood report.

Question. Were you to find out whether they had been doing it?

Answer. Yes, sir.

Question. And you found out they had not?

Answer. Yes, sir.

Question. Then why did you disband the order?

Answer. For fear; they did not want to be accused of it any longer.

Question. How many people were members of that camp?

Answer. I do not know how many; about fifteen or twenty, or not more than twenty-five; I do not know, of my personal knowledge, more than fifteen.

Question. You did know that many?

Answer. Yes, sir.

Question. How did you learn they were members?

Answer. I saw most of them at the meeting.

Question. Did they wear disguises at the meeting?

Answer. They wore disguises in case of any one being initiated.

Question. All wore disguises?

Answer. All but that person, generally, I suppose.

Question. Were there never more than fifteen or twenty persons at a meeting?

Answer. Not that I saw.

Question. How many were present when you were initiated?

Answer. There were four persons, and maybe one or two off at a distance.

Question. Did you recognize anybody else outside of the organization as belonging to it by the signs or grips?

Answer. Yes, sir; I recognized two or three; I do not recollect how many.

Question. Were they members of the same camp with you?

Answer. Yes, sir; the same camp.

Question. How many were there in the county?

Answer. I do not know.

Question. Do you know who was chief of the order in the county?

Answer. I supposed it to be Mr. Long.

Question. Did you know that?

Answer. Not of my own personal knowledge; only from hearsay.

Question. Did you see him at the camp at any time?

Answer. Yes, sir; I saw him at one time.

Question. You attended one meeting?

Answer. I attended three meetings.

Question. One when you were initiated?

Answer. Yes, sir.

Question. Then at another regular meeting?

Answer. Yes, sir; and then at a county meeting, when they disbanded; I understood that night they were going to call another meeting, calling the officers for final disbandment; but after that I never attended any meeting.

Question. Did you understand whether they did disband or not?

Answer. No, sir.

Question. Did you not know the same organization was kept up afterward, either under that name or that of the Constitutional Union Guards?

Answer. No, sir; I knew nothing about the Constitutional Union Guards till afterward.

Question. You never had any personal knowledge of that organization?

Answer. No, sir.

Question. Of the persons that you know that were in the organization were any of them republicans, or were they all members of the democratic party?

Answer. Some of them had been voting the republican ticket before.

Question. Who were they?

Answer. There was Mr. John Roany.

Question. Anybody else?

Answer. No, sir; I do not recollect any other now.

By Mr. Rice:

Question. What ticket did he vote when he joined?

Answer. I do not know; I never saw him vote; but then it was the opinion that he voted that ticket.

By the CHAIRMAN:

Question. Under this last clause, "should any member reveal any of the secrets, acts, orders, or edicts of the brotherhood, you will assist in punishing him in any way the camp may direct or approve of," would you have considered yourself bound, under that part of the obligation, to carry out any part of the sentence?

Answer. No, sir; I would not consider myself bound to have done it.

Question. How were you released from it?

Answer. I took the obligation as far as I was able. When that was repeated, my understanding at that time was not to violate any laws or constitution.

Question. As soon as you discovered you might be required to do that, you left?

Answer. Yes, sir.

Question. How did you discover that you might be required to do that?

Answer. That was just my opinion about it.

Question. Do you not know that they did, in this camp, direct men to be whipped?

Answer. No, sir; I do not.

Question. Do you not know that they directed men to be murdered?

Answer. No, sir.

Question. Did none of the members ever tell you of any whipping directed to be done by the camp?

Answer. No, sir.

Question. No one of them?

Answer. No one of them.

Question. You admit that you were initiated into the White Brotherhood, and that you did take this oath?

Answer. Yes, sir; a portion of it.

Question. Have you a distinct recollection of all the terms of the oath you took?

Answer. I could not repeat the oath; but I do not recollect of ever hearing that last sentence.

Question. The one I read to you?

Answer. The one that I marked.

Question. That is the only part you could not remember?

Answer. I could not say positively.

By Mr. BAYARD:

Question. Did you ever see the oath before in writing or printed?

Answer. I saw it, but did not read it.

By the CHAIRMAN:

Question. Where did you see it?

Answer. In the camp at the time I took it.

Question. Was it kept in written form?

Answer. Yes, sir.

Question. Who had it?

Answer. The man who initiated me.

By Mr. RICE:

Question. What made you join the organization?

Answer. I joined it as a protection for myself and property.

By Mr. BAYARD:

Question. Against what?

Answer. Against burning and such things committed all over the country.

By the CHAIRMAN:

Question. Had there been any burning in your neighborhood?

Answer. There had been none nearer than four or five miles.

Question. Who had been burned out there?

Answer. People had had their barns burned.

Question. How many?

Answer. I do not recollect how many.

Question. Whose barn was burned?

Answer. I do not know as I can name any burned at that time, but shortly after that there were barns burned.

Question. Shortly after you joined?

Answer. Yes, sir. There had been some burned before, but I do not recollect the names.

Question. How far away from you?

Answer. Eight or ten miles.

Question. How many?

Answer. There were four, I think, burned in one night.

Question. Where?

Answer. Near the Orange County line.

Question. Were the men arrested and tried for it?

Answer. I think not; I do not recollect.

Question. You do not know whether they were?

Answer. No, sir.

Question. Without knowing, then, whether civil law was sufficient to bring offenders to justice, did you deem it necessary to form this organization?

Answer. Yes, sir.

Question. Was not that a pretext for other purposes?

Answer. I think not.

Question. Do you say the law was not sufficient to bring offenders to justice in case barns were burned?

Answer. I do not know that it was.

Question. Do you know whether it was or not?

Answer. I do not think it was.

Question. You were afraid of your barn being burned?

Answer. Yes, sir, I was.

Question. For what reason?

Answer. There had been barns burned in the neighborhood, and I thought mine would be just as likely to be burned as anybody else's.

Question. How were you going to prevent it?

Answer. Why, if any one was caught burning, and the law did not take hold, we would assist in—

Question. You would take hold?

Answer. No; we would assist in putting it down.

Question. Tell us how you were going to do it by your organization.

Answer. I do not know as I can do that.

Question. Suppose a barn had been burned in your neighborhood, how were you going to remedy it by that organization through your mode of proceeding?

Answer. We would find out what we could about it, and assist each other in the courts.

Question. You were to arrest the man yourself?

Answer. No, sir.

Question. And punish him yourself?

Answer. No, sir.

Question. Then what was your mode of proceeding; was it anything else than trying to arrest him?

Answer. We would bring him to justice.

Question. How? Before the court?

Answer. By having him brought to court.

Question. Did your organization ever arrest a single man?

Answer. No, sir.

Question. No occasion ever arose for arresting one?

Answer. No, sir.

Question. From the time you were initiated in 1868 until 1869 there was no cause for arresting a man in Alamance County?

Answer. There never was any arrest there.

Question. By the Ku-Klux?

Answer. No, sir.

By Mr. RICE:

Question. Did you get alarmed about your barns being burned, or did somebody tell you?

Answer. I got alarmed myself.

Question. Did you hunt after the order to join it?

Answer. I did not.

Question. You did not hunt this protection for yourself?

Answer. No, sir; until that night I did not know there was such a thing.

By Mr. BAYARD:

Question. How old are you?

Answer. Twenty years old.

Question. Are you farming?

Answer. Yes, sir.

Question. Live with your father?

Answer. Yes, sir.

Question. It was his property you were speaking of that you were afraid of?

Answer. Yes, sir.

Question. You spoke of four barns being burned in one night, near the Orange line; was that in Alamance County or Orange?

Answer. I think it was in Orange.

Question. Did that make you feel very insecure about your property?

Answer. Yes, sir.

Question. Who were the people supposed to have been engaged in this business of burning barns?

Answer. It was supposed to be the negroes.

Question. What were the Union Leagues composed of?

Answer. Mostly of colored men.

Question. It was to guard against that that you sought to ally yourself to this organization?

Answer. Yes, sir.

Question. Now, you say you attended three meetings—first to be initiated, and the last meeting you say was called because crimes like whipping people, and other outrages, had been committed, which had been charged to them; that they called it to see whether any member of the organization was concerned in them; and you say they discovered that they were not, and that they then agreed to disband, because they were being charged with these offenses?

Answer. Yes, sir.

Question. Do you know about that time whether black people were not whipped by the other black people in disguise, who were afterward brought to justice for it?

Answer. Yes, sir; I know some that have been caught at it and are now in the penitentiary.

Question. Were there other cases where you think they were not brought to the penitentiary where you think colored people did the acts?

Answer. I cannot say whether they did or not.

Question. Have you heard of such cases?

Answer. I heard the night that Outlaw was hung that his mother said the man who held the light in the house was a black man.

Question. Was that the common report in the neighborhood?

Answer. Yes, sir; I have understood she swore that before the jury.

Question. Who swore that?

Answer. Outlaw's mother, before the jury.

Question. I understand you now that when you took the oath in joining the White Brotherhood you understood that you took nothing that called upon you to disobey the laws of your country?

Answer. Yes, sir; that was my understanding. I requested to know that.

Question. Whether there was anything contrary to the laws of your country?

Answer. Yes, sir.

Question. Would you have taken it if it had been meant to do anything contrary to the laws of your country?

Answer. No, sir.

Question. Were you arrested by Bergen?

Answer. By a lieutenant of the name of Hunnleut.

Question. When?

Answer. On the 26th of July, 1870.

Question. Where were you?

Answer. At Graham.

Question. How did he arrest you?

Answer. He came down there with a squad of armed men, part black and part white.

Question. Describe what he did to you.

Answer. I was sitting in a store, and I saw a squad of men pass the door. There was a black man behind. He came up to the door and asked if I was in there. I told him I was. He ran on past the door and caught up with the officer, and told him I was in the store. I supposed they were hunting me. He came back there and asked for me—asked me if my name was Rogers. I told him it was. He told me to consider myself under arrest. I said, "All right, sir?" He told me to come and go with that man. I asked him where he wanted me to go. He said, "In the country a piece." I asked him by what authority he arrested me. He said, "By order of Governor Holden." I went with him I suppose about thirty miles.

Question. How did you go?

Answer. On horseback.

Question. Whose horse?

Answer. My own. I got to the camp that night between nine and ten o'clock, and was put in a tent under guard, and kept there till the next day about ten o'clock; then Bergen came to the tent where I was, and told me he wanted me to go to his tent. He told me I must tell who hung Wyatt Outlaw. I told him I did not know. He said, "You are a damned liar; I know you do know." Then he remarked, "Don't you know that Dolph Moore and Jim Hunter were the men who hung Outlaw?" I told him I did not know. He said again I was a damned liar. He told me he would give me till that night to tell; and if I did not tell he would make me tell. He said, "I will break your damned neck if you do not tell." Then he told me to go to my tent and stay there. That night, about ten o'clock, he came to my tent and told me to come up to his tent. I went there, and he asked me then if I would confess that I knew who hung Outlaw. I told him I could not—I did not know. Again he said I was a damned liar, and went for a rope. Pistols were lying on the bed; and he picked up his pistol. I stepped outside of his tent. He put a rope around my neck, and led me off to the woods about seventy-five or one hundred yards, and asked me then if I would tell. I said I could not tell—I did not know. Then he ordered the lieutenant to pull me up.

Question. Was the rope put around your neck with the running noose?

Answer. Yes, sir. He stood in front of me with a pistol cocked, fastened the rope, and the lieutenant pulled it until it was tight.

Question. Did it raise you off your feet?

Answer. No, sir.

Question. It was pulled until the rope was tight?

Answer. Yes, sir.

Question. Did it choke you somewhat?

Answer. Yes, sir.

Question. How long did he keep you that way?

Answer. I suppose about a minute; he told his lieutenant, "That will do"—I think those are the words—and the lieutenant let me down. He asked me then if I would confess. I told him I had no confession to make; then he told me to say my prayers. I think then he asked me if I had anything to say. I told him I had nothing to say;

then, after making several threats to kill me or shoot me, he took the rope off my neck, and going back to the tent he said, "I believe, Rogers, you are telling the truth, and I will do all I can to release you to-morrow; but I cannot do it without orders from the governor." I staid there at Company's Shops until the 3d day of August, and then started for Yanceyville. I staid all night between Company's Shops and Caswell, at Moore's store. On the 4th of August there were about fifteen men along who wanted to stop and vote.

Question. What men?

Answer. Prisoners that were with me. He said he could not stay. The polls would have been opened about half an hour after we left. We marched on.

Question. He did not permit them to vote?

Answer. No, sir.

Question. Did these men want to vote the conservative ticket?

Answer. Yes, sir; I suppose so. He marched us on and left the hack-drivers, who were carrying our baggage, there to vote. They were colored men. We went on to Yanceyville, and we staid there seven or eight days.

Question. Were the colored men entitled to vote?

Answer. Yes, sir. After staying seven or eight days at Yanceyville I was carried back to Company's Shops. Staid there all night, and until the next night, when I was put in a box car and carried down to Graham Station, and from there we marched to Graham Court-House, and were kept there till the 19th of August, when I was released by Judge Brooks at Salisbury.

Question. You were brought into court; was any evidence brought against you of any kind?

Answer. None at all.

Question. Did you see Kirk during that time?

Answer. Yes, sir.

Question. Where did you see him?

Answer. At Yanceyville.

Question. Were you in the court-house at Yanceyville imprisoned?

Answer. Yes, sir.

Question. How many were there?

Answer. Twenty of us in one room.

Question. How many in the whole court-house?

Answer. At one time, I suppose, about fifty or sixty.

Question. Any old people?

Answer. Yes, sir; some very old.

Question. Any who were suffering from sickness?

Answer. Not in the room I staid in.

Question. Did you hear Kirk say anything about what he would do with the prisoners at Yanceyville in case he was attacked?

Answer. I did not hear him; but I heard some of his men say that they would kill every prisoner there—shoot every damned prisoner—that was the remark—burn the town, and kill the women and children.

Question. Did they say those were their orders from Bergen and Kirk?

Answer. Yes, sir.

Question. What was your treatment during the time you were a prisoner?

Answer. It was bad; they did not board us at all; the citizens boarded us.

Question. Who supplied you with food?

Answer. The citizens.

Question. Were these men abusive in their manner?

Answer. Yes, sir; they cursed us some.

Question. Did they threaten you with their weapons?

Answer. They did not me. Kirk came in one day; we were joking and having some fun, and he said if we did not stop that fuss he would cut our damned heads off.

Question. What were you doing then?

Answer. I and another young man were down on the floor scuffling.

Question. Playing with each other?

Answer. Yes, sir.

Question. Did he swear at you—use violent language?

Answer. Yes, sir, violent language.

Question. What kind of men were Kirk's men?

Answer. Some of them were boys, and some were men that looked seventy or eighty years old.

Question. Had they any uniform?

Answer. They had not; when they came some of them drew a suit.

Question. What suit?

Answer. Uniform militia.

Question. Were the people through the country very much frightened by the troops?

Answer. I suppose they were.

Question. Did you hear of that afterward?

Answer. Yes, sir.

Question. Did you hear of any outrage by his men upon the women of the country—any insults?

Answer. No, sir, I did not; well, I have heard of them going in some house, but never any insults.

Question. What did they do?

Answer. They were in search of the men of the house, who were not at home, I suppose.

Question. All these facts that you now speak of you have sworn to before, have you not?

Answer. Yes, sir.

Question. Have you been examined as a witness before about this thing?

Answer. Yes, sir.

Question. You made an affidavit to what you are now stating?

Answer. Yes, sir.

Question. Were you informed, and were the prisoners informed while you were in Kirk's custody, that he intended to try you by court-martial?

Answer. Yes, sir.

Question. Did Bergen tell you that too?

Answer. Yes, sir; Bergen told me we would be tried by court-martial.

Question. Did he tell you whether you would be hung or not?

Answer. He did not tell me that; some of his men said so—some of his guards.

Question. What did they say?

Answer. They said a great many of us would never see home again.

Question. Did Bergen tell you he was going to be on the court-martial?

Answer. No, sir.

Question. Did he tell who was to be on it?

Answer. No, sir.

Question. Did he tell you that William R. Albright was to be on it?

Answer. No, sir.

Question. Did you hear that he was to be on it?

Answer. I did.

Question. Did you hear what commission he held?

Answer. I have a copy of his name where he signed it brigadier general.

Question. What paper was that?

Answer. It was a pardon to one of my neighbors.

Question. On what condition did he do that?

Answer. By confessing that he belonged to the White Brotherhood.

Question. Then he, as brigadier general, granted pardon in case the man should confess that he belonged to the White Brotherhood?

Answer. Yes, sir; I knew of him pardoning several men—at least they told me he pardoned them—for a small sum of money.

Question. And for coming forward and confessing?

Answer. Yes, sir.

Question. Did he say he had the power to pardon them, or not, from the governor?

Answer. I did not hear him say.

Question. Did they consider he had that power?

Answer. Yes, sir.

Question. Was he to be on this military commission?

Answer. I have understood so since.

Question. Is William R. Albright a pretty violent man in his opinions and conduct?

Answer. I can hardly say. A short time ago he was in the asylum.

Question. What asylum?

Answer. The lunatic asylum at Raleigh.

Question. How long ago was that?

Answer. About twelve months before this thing happened.

Question. How long was he there?

Answer. I don't recollect; some two months, I think, or over.

Question. Was that from over-excitement?

Answer. I suppose so.

Question. Is he a very excitable man?

Answer. Yes, sir; very excitable.

Question. You know the fact that he was in the asylum?

Answer. Yes, sir.

Question. That is a fact well known in the country?

Answer. Yes, sir.

Question. You have lived there as a boy, for the last five years since the war, and live there now; how are things there now in the way of peace and quiet?

Answer. I never was in a more peaceable country than it is.

Question. Everything quiet?

Answer. Yes, sir; everything appears to be quiet.

Question. You were under arrest in the last election and not able to vote?

Answer. I was not entitled to vote; I was under age.

Question. Are there colored schools throughout that country in different places?

Answer. Yes, sir.

Question. Are they disturbed by anybody, that you know of?

Answer. No, sir.

Answer. No, sir.

Question. Do people feel, now, reasonably safe in their homes and property?

Answer. I suppose they do; I think there is no danger.

Question. Do you think every man there is safe; black and white?

Answer. Yes, sir.

Question. I understand you to say, distinctly, that you never knew a council in the camp pass upon the question of punishing anybody?

Answer. No, sir; never did.

Question. Did you ever take part in the punishment of any man?

Answer. No, sir.

Question. I understand you, also, to say, that it was because some of these deeds had been imputed to the White Brotherhood, that they met to consider whether any of their members had done it?

Answer. Yes, sir.

Question. Now, was Outlaw's murder among those deeds?

Answer. It was after the organization was disbanded that Outlaw's murder took place.

Question. Do you consider that that organization, which you joined is totally at an end?

Answer. Yes, sir.

Question. You know it does not exist?

Answer. Not to my knowledge.

Question. You know that those members that you knew before, personally, agree with you in that opinion?

Answer. Yes, sir.

By the CHAIRMAN:

Question. In the meeting of fifteen or twenty, which you say this county meeting was composed of, how did you ascertain that none of the White Brotherhood had committed any of these outrages?

Answer. Well, sir, we had a meeting, and it was requested by Mr. Long to know.

Question. Could you ascertain any more than that the fifteen or twenty there had not participated?

Answer. No, sir.

Question. You could not tell whether others who were not at that meeting had committed them or not?

Answer. No, sir; we could not tell.

Question. You were not a property owner, and did not own the barn you were apprehensive about being burned?

Answer. No, sir.

Question. Your father was owner of it; was he a member of the order?

Answer. No, sir.

Question. He did not deem it necessary to join?

Answer. No, sir; he is a very old man.

By Mr. BAYARD:

Question. Is your mother living?

Answer. Yes, sir.

Question. Have you sisters?

Answer. Yes, sir; three small sisters.

By the CHAIRMAN:

Question. You have spoken of the statement of Mrs. Outlaw about a black man being there; did she state that he was a negro or that he was blacked?

Answer. That he was a colored man, that was my understanding. I never heard her state that, but it was the report.

Question. Now, can you say that she stated that the man was black and disguised himself, or that he was a colored man?

Answer. That he was a colored man was the way I understood it.

Question. Did you ever know of any colored man being admitted into the White Brotherhood? Could a colored man be a member of it according to your understanding of it?

Answer. I do not know that he could.

Question. Could he?

Answer. I do not think he could.

Question. He would not be admitted to the secrets of the order?

Answer. I think not.

Question. What was the lieutenant's name with Bergen who treated you so?

Answer. Humulent.

Question. Was that the one who took you out into the woods?

Answer. Yes, sir.

Question. Did you admit to him at any time you were a member of the White Brotherhood?

Answer. Yes, sir; I told him so.

Question. When?

Answer. When I went in his camp the first day; when he first arrested me.

Question. These voters who wanted to stop and vote, were they of the same party you were?

Answer. Yes, sir; from different parts of the county.

Question. Could they vote at any other place than their own residence?

Answer. Anywhere in the county.

Question. Do you know that to be the case?

Answer. Yes, sir.

Question. If you lived at Granam could you vote thirty miles away?

Answer. Yes, sir.

Question. Is that the law?

Answer. It was at that time.

Question. When you spoke about the paper that Albright signed, was it anything more than a promise that a man would be pardoned if he confessed?

Answer. Yes, sir; it was a paper ordering Bergen not to arrest him; that he had fully complied with the governor's request.

Question. It was not in the form of a pardon?

Answer. I think it was.

Question. It was an order to release him?

Answer. That he should not be arrested.

Question. You did not mean a pardon in the sense in which lawyers make it?

Answer. Yes, sir; that he could not be arrested.

Question. That is what you mean by it?

Answer. Yes, sir.

By Mr. BAYARD:

Question. It was a paper stating that the man who held that paper had complied with Governor Holden's request, and that Bergen was not to arrest him?

Answer. Yes, sir.

Question. Signed by Albright as brigadier general?

Answer. Yes, sir.

By the CHAIRMAN:

Question. You spoke about Albright being in the insane asylum owing to excitement. What was the excitement? Was it caused by the threatenings to be assassinated?

Answer. No, sir; I suppose not. It was reported that he was calling on a young lady at the time and she slighted him.

Question. That was the cause of the insanity?

Answer. Yes, sir.

Question. How long was he there?

Answer. I do not know; I suppose some two or three months.

Question. He is attending to his business as usual, is he not, now?

Answer. He is now.

Question. And was before that and has been ever since?

Answer. He did not until some time after he got back.

Question. He is a man of ordinary intelligence, is he not?

Answer. Yes, sir; I suppose he is.

Question. He has been elected mayor of the town?

Answer. I think he has been once.

Question. Since that time?

Answer. I do not know whether it is since that time or before. I do not live in town myself.

Question. Is the misfortune of insanity looked upon as putting a man under the ban of good society down there, in your estimation—is that a blot upon Mr. Albright's character that he was in the asylum?

Answer. I do not understand you.

Question. Does that affect his character for truth and veracity, that he was in the insane asylum?

Answer. No, sir.

Question. Taking your testimony altogether, I infer that you consider the White Brotherhood was a very good organization?

Answer. Yes, sir; I did at that time.

Question. And do yet, with the oath you say you took?

Answer. Yes, sir.

Question. And that everybody who is opposed to it deserves your condemnation?

Answer. No, sir; I did not take it in that way.

Question. Have you spoken here in terms of reprobation of anybody but those who were opposed to the White Brotherhood?

Answer. No, sir.

Question. Your feelings run all that way, that you do not think much of anybody who was opposed to the White Brotherhood?

Answer. No, sir; I have no feelings of that sort.

Question. Are not your sympathies all with the men who were in it?

Answer. No, sir; I have good friends in the republican party as any; I consider them as good.

By Mr. BAYARD:

Question. You were asked whether a man's being a lunatic affected his position in society; I will ask you whether lunatics are supposed to be as credible witnesses in your country as other men of sound judgment?

Answer. They are not.

By the CHAIRMAN:

Question. Fix the date when Mr. Albright was in the insane asylum?

Answer. I think he was there in September, 1869. I remember that he staid in the neighborhood there, about a mile from where I live, and was at my father's house very often a good while before he went to the asylum.

Question. You saw him often?

Answer. Yes, sir.

Question. Did you ever see anything wrong in him?

Answer. Yes, sir; I saw him when I did not think he was in his right mind.

Question. How long was that before he went to the asylum?

Answer. Near a month I think; two or three weeks.

WASHINGTON, D. C., February 22, 1871.

LUCIEN H. MURRAY sworn and examined.

By the CHAIRMAN:

Question. Where do you live?

Answer. In Graham, Alamance County, North Carolina.

Question. How long have you lived there?

Answer. Three years.

Question. Are you a native of the State?

Answer. Yes, sir.

Question. What is your occupation?

Answer. A merchant.

Question. Have you any knowledge of the disturbances occasioned in that county by what is popularly known as the Ku-Klux organization?

Answer. No, sir; nothing of my own knowledge.

Question. Have you knowledge of the hanging of Wyatt Outlaw?

Answer. I have not.

Question. Were you in Graham the night he was hung?

Answer. Yes, sir.

Question. Did you see any persons that night in disguise?

Answer. No, sir; I heard hallooing; I did not know what it was; I rose up and looked out of the window and saw nothing--no cause for the fuss; I then lay down in my bed and the hallooing ceased. In about ten minutes I heard horses coming down the street; I rose up again and looked out and saw two men; they rode up near to the store and within ten steps of my window and stopped there.

Question. Were they disguised?

Answer. If they were, it was black; it was a dark, cloudy night and I could not see the shape of men; that is all I could tell.

Question. Is that all you know about it?

Answer. Yes, sir.

Question. Do you know who participated in that murder?

Answer. I do not.

Question. Have you no knowledge by confession of anybody?

Answer. No, sir.

Question. Were you a member yourself of any secret political organization in that county?

Answer. Yes, sir.

Question. What was it?

Answer. I was a member, partly, of the Constitution Union Guards; I have never taken the whole oath.

Question. What was the oath of the Constitutional Union Guards?

Answer. Indeed I cannot tell you. I do not recollect any part of the oath.

Question. Look at the oath on page two of the President's message in relation to North Carolina, and see how near that comes to being the oath of that organization.

Answer. (Reads it.) Well, sir, I have taken so little of that oath that I cannot, even by looking over it, call to memory but very little.

Question. From your recollection of it, do you believe that to be the substance of the oath you took?

Answer. It is, partly. There are some things in here that I do not recollect of hearing. But then I might not have got that far with it.

Question. In general, do you believe that to be the substance of the oath you took?

Answer. Yes, sir; it is something similar to this.

Question. When did you join the Constitutional Union Guards?

Answer. Some time in December, 1869, near Christmas.

Question. Did you understand that the order succeeded in point of time the previous order of the White Brotherhood?

Answer. No, sir; there was nothing said to me about that.

Question. But you think the oath was in substance what is here given?

Answer. Yes, sir.

Question. Who administered the oath to you?

Answer. Mr. Scott.

Question. Where did he live?

Answer. In Graham.

Question. Was he the head or leader of the organization there?

Answer. No, sir, I suppose not.

Question. Who was?

Answer. Mr. Long, I think.

Question. What Long?

Answer. Jacob A. Long.

Question. Did he continue his connection with it till 1869, when you joined?

Answer. I do not know; he never spoke a word to me in regard to the matter in his life.

Question. Did you ever see him in the meetings?

Answer. No, sir; I never was in the meetings.

Question. Where were you initiated? was it in a meeting?

Answer. No, sir, I was initiated privately in day-light.

Question. Did you ever attend any subsequent meeting of the order?

Answer. No, sir; never attended any meeting at all.

Question. For what reason?

Answer. Well, sir, I never knew of any. I was never informed that there would be any meeting. In fact, I do not suppose there was ever a meeting held after I joined the order.

Question. At the time you joined were there any outrages being inflicted throughout the county—any whippings?

Answer. Not at that time that I know of.

Question. How long after you joined was Outlaw hung?

Answer. In February, I believe, after I joined.

Question. Did you have any communication with the members of the order?

Answer. No, sir.

Question. Any conversation about the hanging of outlaw?

Answer. No, sir.

Question. Is that the only communication you have ever had with the order—the initiation by Mr. Scott?

Answer. The only communication I ever had.

Question. Were you informed how many persons were in the order?

Answer. I was not.

Question. Anything about its organization?

Answer. No, sir.

Question. How many there were in the county?

Answer. No, sir.

Question. What was it called—camp, division, or society, in Graham?

Answer. I do not know.

Question. What was the form of initiation?

Answer. I do not exactly understand your question.

Question. Was there anything done but to swear you?

Answer. No, sir; not with me.

Question. What did Mr. Scott tell you was the object of the order?

Answer. I understood it to be for protection of ourselves and property.

Question. Against what?

Answer. Against the league, I suppose.

Question. Did he say so?

Answer. I do not recollect whether he did or not.

Question. Have you no recollection what the object or purpose of the order was?

Answer. Well, sir, that was the object of it—that was my understanding.

Question. How long have you conducted business as a merchant in Graham?

Answer. Three years.

Question. Do a pretty large business?

Answer. No, sir; I was clerk the first two years; I have been in business for myself only three or four months.

Question. Have you no recollection of any other object stated to you by the person who initiated you?

Answer. No, sir; no other object.

Question. What inducement did he hold out to you to join it?

Answer. None at all; he only asked me one day, as I was walking to Company's Shops, if I knew anything about the order. I said I did not. He asked me if I would like to join it. I said I did not know; I would like to join it if I could find one. He asked me if I was in business. I told him I was, and then he swore me in.

Question. You understood you were sworn to keep secret the existence of the order?

Answer. Yes, sir.

Question. What secrets then were imparted to you?

Answer. There were no secrets.

Question. Were you bound to keep secret that you were a member of the order, or that the order existed?

Answer. Yes, sir; I was bound to keep that a secret; also keep the secrets which were given me then or hereafter.

Question. What secrets were then given you?

Answer. There was none given me then. He said to me "I will give you the balance of the oath and the signs and pass-words in a short time." Then, about a week after that, he came down to the store and told me "This whole thing is disbanded, and we have no such order now." There was nothing more said about it to me, and I knew nothing more about it.

Question. Did you understand that the remainder of the oath was another degree of the same order?

Answer. No, sir; he did not get through with the oath—did not administer to me all of it.

Question. The name of the organization was the Constitutional Union Guards?

Answer. Yes, sir.

Question. Is that all you know about the existence of the order?

Answer. Yes, sir.

Question. With which political party have you acted?

Answer. I have always voted the conservative or democratic ticket.

Question. Did you obtain no knowledge of who were members of the society or order in the county?

Answer. Not at that time.

Question. Nobody but Mr. Scott?

Answer. Well, yes, he did tell me that Jacob A. Long, D. P. Tague, and Robert Hanna, belonged to it.

Question. Was anything said about James Boyd?

Answer. No, sir; in fact, I did not know he belonged to the order until he was arrested.

Question. Did you ever recognize him afterward as belonging to it?

Answer. No, sir.

Question. Did you get the signs and pass-words?

Answer. No, sir.

Question. Do you know of any of the outrages in that county being committed by either the White Brotherhood or the Constitutional Union Guards?

Answer. I do not.

Question. What is your belief on the subject?

Answer. I have no idea.

Question. Do not know?

Answer. I do not know of any one that is connected in committing any of those outrages.

Question. When you found Outlaw was hung did you feel that your security as a citizen required any efforts to be made to ferret out the perpetrators of it?

Answer. No, sir.

Question. Did not?

Answer. No, sir.

Question. Felt no alarm for your safety?

Answer. No, sir.

Question. Did not feel that society was insecure where a thing of that kind could be done?

Answer. Well, sir, I do not know whether I really could express my feelings that morning or not. It was a right exciting thing.

Question. Did it cause you no alarm for the safety of society there that a man could be taken from his house and hung within forty yards of the court-house, and nobody arrested for it?

Answer. Well, no, sir; I do not know that it did.

Question. Did not cause you any alarm?

Answer. No, sir; that is, it did not cause me any particular uneasiness. Of course, I did not feel exactly right in the matter—the idea of taking men out and hanging them up. I did not know how soon some more cases might come. But I cannot say that I was particularly alarmed about it.

Question. Did you not feel that you were in danger?

Answer. Well, I did not know but what I might be in as much danger as almost anybody else.

Question. Do you know of any instance in all the outrages you have heard of where members of the conservative party were either whipped or murdered?

Answer. I have never heard, to my knowledge, of but one.

Question. Who was he?

Answer. His name was Dr. Phipps.

Question. Where did he live?

Answer. In Guilford County.

Question. Was he whipped or injured?

Answer. Only whipped.

Question. Were the men who whipped him arrested?

Answer. No, sir; it was never found out, that I know of.

Question. Was it done by persons in disguise?

Answer. I suppose so. I never saw the man since it occurred.

Question. How long ago did that occur?

Answer. This fall—about two months ago, I suppose.

Question. Have there been any whippings in your county this fall?

Answer. Not that I have heard of in our county.

Question. Taking the whole state of society together since these outrages were committed in Alamance County, do you consider that justice can be administered in that county upon the members of this organization or anybody else for any crimes that are committed there?

Answer. Yes, sir; I think so.

Question. You think that persons who committed these crimes in disguise, having thus far escaped, can be found out and brought to justice?

Answer. Well, sir, I do not know about that; if they could be caught I have no doubt but what justice would be done them—punished according to law.

Question. Was this oath which you took explained to you as imposing upon you any obligation to assist the members of the organization?

Answer. I think there was one part of the oath said if I saw or knew any of the members in distress to go to their relief.

Question. Was there any explanation given to you of the meaning of that?

Answer. No, sir.

Question. Don't you know that in practice there it is believed that the members of the White Brotherhood or the Constitutional Union Guards construe that to require them to prove an alibi for their confederates when they are arrested and tried?

Answer. No, sir.

Question. Never heard that?

Answer. No, sir.

Question. Have you never heard that stated in North Carolina?

Answer. No, sir; of course I may have heard it rumored among the people, but as to any man belonging to the order telling me that, it was never told.

Question. Don't you know the fact that when any of them have been brought in court that is invariably the defense resorted to, to prove an alibi?

Answer. I do not know; it seems that a good many have been doing it.

Question. Don't you know that that has been the defense?

Answer. I do not know that that is the case in every— I was never present in any trial myself.

By Mr. BAYARD;

Question. Did you understand any portion of the oath you took at the time you were initiated, as affecting your duties as a citizen to obey the laws of your country?

Answer. No, sir.

Question. Did you understand that it bound you to break the laws of your country in any way?

Answer. No, sir.

Question. Did you understand by that oath, that as a witness or on the jury, you were to do otherwise than keep your oath as a witness or juror?

Answer. No, sir.

Question. Did you understand that that oath bound you to commit any unlawful act?

Answer. No, sir;

Question. You have said that you joined this organization under the theory of giving protection to persons and property in that neighborhood; what had been the acts against person and property that you thought there ought to be protection against?

Answer. Well, sir, there had been nothing right in our immediate neighborhood, except there was a great deal of stealing done.

Question. What kind?

Answer. Stealing produce from the gardens and fields, &c.; there had, I think, been some few houses broken in.

Question. Meat-houses robbed?

Answer. Yes, sir.

Question. Chicken-roosts?

Answer. Yes, sir.

Question. Any stock or cattle taken, sheep, pigs?

Answer. Yes, sir; a good many hogs stolen from the woods and some from the pens; one man that lived about sixteen or eighteen miles from Graham had six or eight hogs stolen from his pen.

Question. Were these things pretty general; wide-spread acts of that kind, and depredations?

Answer. Yes, sir; there was a good deal of stealing all through the country.

Question. Were they supposed to be the result of the negroes banded together in Union Leagues?

Answer. Well, sir, I do not know about that.

Question. Was that the general belief?

Answer. It was the belief that they were connected with it.

Question. Were these meant as counter organizations to prevent it?

Answer. That is what I understood to be the object.

Question. You say distinctly that the oath you took had nothing to affect your duty as a citizen in any way?

Answer. Nothing to affect my duty as a citizen.

Question. Were you arrested in July, 1870, by Colonel Kirk or any of his men?

Answer. Yes, sir.

Question. State when it took place, and how.

Answer. On the 27th of July, I understood from Squire William R. Albright that I was going to be arrested. I had a very sick sister in Guilford, and I got in a buggy and went to see her that day. I knew it would give her a great deal of trouble, and I went up and told her I was to be arrested and that she should not be uneasy. I came back the next morning and was informed that Bergen had been there the day before to make my arrest, and had left word for me to report to his camp as soon as I came in, at Company's Shops. I said, "All right; just as soon as I can get my clothes changed." I had on linen clothes. So I changed my clothes, and got a young man to take me up and bring my horse and buggy back.

Question. How far off was it?

Answer. Two miles. I went in and reported to Colonel Bergen.

Question. Did you know him?

Answer. No, sir; I asked if he was Lieutenant Colonel Bergen. He told me he ranked as colonel. I told him my name was Murray, and I understood he had been down to make arrests the day before. He said, "All right; you are the very bird we want." He told me to go into prison. I went in that evening. He called me out to his quarters about an hour by sun and asked me if I belonged to the order. I denied it to him—told him I did not.

Question. What order did he say?

Answer. Ku-Klux. He then asked me if I did not see Adolphus Moore tie a rope around Outlaw's neck the night he was hung. I told him I did not. He asked me what I saw that night. I stated what I have stated here about what I had seen. He then told me I was telling him a damned lie. I told him I was telling the truth. He then said, "If you don't tell me all about it I will break your damned neck." I told him "I can't help that." Says he, "Go on back to your quarters; I will have it all out of you. If I can't get it one way I will get it in another." It went on that night till about one o'clock, then Colonel Bergen came to my tent with a candle in his hand. I had not gone to sleep. I raised up my head. Said he, "Is that you, Murray?" Said I, "It is," and he walked back to his tent. In a short time he came back again without

any candle, touched me on my feet, and told me to get up and come out. I asked him if I could put on my shoes. He told me "No, you won't have any use for them long." I went out, and he took me into his tent with three other men. They all had pistols. He told me I must now make a confession; if I did not he would blow my damned heart out.

Question. He had a pistol in his hand?

Answer. Yes, sir.

Question. Cocked?

Answer. No, sir; he did not have it cocked then; he was sitting on the bed,

Question. How many men had he?

Answer. Three men. I told him I know of nothing to confess. Said I, "Colonel, I have told you all I know, and I can't tell you any more."

Question. You then told him about what you had told us?

Answer. Just what I have told you—about the same thing. He told me then, "You are a damned liar," and got up, and all four of them cocked their pistols, and he told me if I did not confess he would blow my heart out.

Question. Pointed the pistols at your breast?

Answer. Yes, sir. I told him I had nothing to confess. "Well," said he, "Patton and Rogers (George H.) knew nothing till they were hung up, then they could tell all about it, and you must do the same." He went on to say that he had affidavits filed in his office, that had been made that I did know all about the hanging of the negro. I told him I could not tell him anything. Then he put a rope around my neck, took me out to a piece of woods about 75 yards, tied my hands behind me, and led me up to a tree, throw the rope over a limb, and asked me if I was ready to make my confession. I told him I had no confession to make. Then they drew me up off the ground, and let me hang there a little while—not long.

Question. Draw you up by the neck off the ground?

Answer. I think not.

Question. By a slip-knot?

Answer. It was a slip-knot.

Question. Choked you?

Answer. Yes, choked me pretty bad; let me hang a little while; it did not hurt me then let me down, and asked me if I was ready to confess. I told him I had no confession to make. Said he, "If you don't confess, I will break your damned neck," and he gathered the rope again, and he and another one pulled me up very roughly, and suspended me a great deal longer than he did before; I can't tell how long. I hung there till I was unconscious; suffered all the pain till I became unconscious. He then let me down. I was not able to stand. When I came to, I was leaning or sitting up against the tree, and a few men were rubbing me.

Question. To rouse and restore you to consciousness?

Answer. I suppose so; that was the notion. They had taken the rope off my neck. When I got so I could speak, he asked me if I was ready to make confession. I told him I had none to make; that I knew nothing to confess. He then gave the order to put the rope on my neck again, and told the sergeant, "Hang him up to the limb, and let him hang till eight o'clock to-morrow; then cut him down, and bury him under the tree on which he hung;" and he just remarked to me that if I had anything to say—my last words—to speak. I told him I had nothing to say, but if he hung me up to that tree till I was dead, that he would have but three more days. He asked me to give an explanation of that word. I did so; I told him, "You may be alive to-morrow morning, and you may not; you may be hanging to a limb close by; if you hang me dead, I am sure you will go through the very same thing." The colonel stopped then, staid a little while, and gave me till ten o'clock the next night to make my confession, and told me if I did not confess by that time, he would take me out and kill me dead. I told him, "I have no confession to make; I never expect to make any more than I have." Then the rope was taken from my neck, my hands untied, and I was carried back to the camp. He told me I should not say anything about what passed that night; if I ever divulged it, he would kill me on sight. Well, of course, I never did say anything about it till I was released by Judge Brooks at Salisbury.

Question. Did you make an affidavit that he did intend to kill you, in order to have him held to bail by Judge Brooks?

Answer. Yes, sir.

Question. When you were with him, was anything said in your presence by Bergen, or any of the other men about being tried by court-martial?

Answer. Yes, sir. Bergen told me we would all be tried by court-martial, and he was sorry to say there would be quick work made with us.

Question. Did he say that as applying to all the prisoners he had?

Answer. Yes, sir, that applied to all.

Question. How many did he have?

Answer. He had at one time, while we were there at the Shops, thirty or forty prisoners.

Question. And he said there would be quick work made of you?
 Answer. Yes, sir; I heard him make that remark.

Question. Did he say he was going to be on the commission himself?
 Answer. Yes, sir, he said he and Colonel Kirk, and several other gentlemen.

Question. Did he mention that William R. Albright would be a member of the commission?
 Answer. He did not himself. William R. Albright told me he would be.

Question. What commission did Albright tell you he held from the governor?
 Answer. Colonel first, and then he said he had been promoted to general.

Question. Brigadier general?
 Answer. Yes, sir; I do not know but he had reference to what they called the State troops, what they had then, or whether it was militia.

Question. Did Albright exercise command or quasi command over Kirk and Bergen in their operations there?
 Answer. It was thought he did; I cannot say.

Question. You know the fact of his giving protection to certain men who signed papers?
 Answer. I understood that was done. I never saw any of his papers.

Question. Were you at Yauceyville in prison?
 Answer. Yes, sir.

Question. While there did you hear these men say what they were going to do in case there was an attack on Bergen's force?
 Answer. No, sir, I do not recollect that I did.

Question. Were you kept in close confinement all the time?
 Answer. Yes, sir.

Question. What was the character of the troops of Kirk and Bergen?
 Answer. They seemed to be very bad, very wicked men; and they did not seem to be under any discipline, any order. One would get tired standing at his post, and would be just as apt to stick his gun in the ground and go off and leave it.

Question. Were they violent men in their language and ways?
 Answer. Yes, sir.

Question. Did they treat their prisoners rudely?
 Answer. Only in cursing and talking to them.

Question. How about your food; by whom was that supplied?
 Answer. Our friends gave us that.

Question. You were born in North Carolina?
 Answer. Yes, sir.

Question. You have lived at that place for the last three years?
 Answer. Yes, sir.

Question. What is the general condition of the community for quiet and good order?
 Answer. It is extremely good at this time. We have had in our county but very few outrages committed.

Question. Have the relations of the people to each other generally been kind and good?
 Answer. Yes, sir, so far as I know.

Question. Are the colored people treated with kindness by the whites?
 Answer. Yes, sir, as far as I know there is generally now a pretty loudly feeling.

Question. Do the colored people sit on your juries?
 Answer. Yes, sir.

Question. Are they interferred with about their voting by white people?
 Answer. Not that I know of.

Question. Among the colored people themselves is there or not intimidation by the League against any of their number who voted again at the wishes of the men of the League; are they free to vote as regards each other?
 Answer. Well, sir, I do not know about that; I cannot say.

Question. Do they not all vote as a unit?
 Answer. They principally vote the same way; a few vote the Democratic ticket.

Question. Do they do that without interference or ill-feeling?
 Answer. Yes, sir, I guess so.

Question. What was the reputation of Kirk when he came into that county?
 Answer. I do not know that I could say about that; he was not known by any in our county when he came.

Question. After all this what did his reputation become?
 Answer. I never heard anything good spoken of him.

Question. Was he a profane man?
 Answer. I do not know; I never was with Kirk.

Question. How was Bergen, a profane man?
 Answer. Very.

Question. Violent in his language?
 Answer. Yes, sir.

Question. You were in Bergen's custody, and saw very little of Kirk?

Answer. Yes, sir.

Question. Neither of them was a North Carolinian?

Answer. I suppose not.

Question. They were strangers to you?

Answer. Yes, sir.

Question. Were the militiamen strangers?

Answer. Yes, sir; no one from our neighborhood; it was said they were mostly from Tennessee.

Question. You have been asked a great deal about a secret political order, called the Constitutional Union Guards; have you any knowledge to-day of the existence of that order now in your county, or in your State?

Answer. Yes, sir.

Question. Do you think it does exist?

Answer. I do not.

Question. Do you think there is any organized political society there to-day?

Answer. I do not.

Question. Have you any reason to think there is?

Answer. I have no reason to think there is any order now of that nature.

Question. Have you any reasons of knowledge that either the murder of Outlaw or any of the whippings that took place in that vicinity were the result of a political society or organization for that purpose?

Answer. Well, sir, I do not know about that; I cannot say.

Question. Have you any knowledge of the facts?

Answer. I have not.

By the CHAIRMAN:

Question. You have spoken of the stealing of produce and other articles being the inciting cause for the formation of this society or organization which you joined; had that stealing been going on before June, 1870, when you joined this order?

Answer. Yes, sir.

Question. Had the persons charged with stealing been arrested?

Answer. Some few had.

Question. Any of them been tried?

Answer. I do not know about that.

Question. Do you know whether they had or not?

Answer. I do not; in fact, I do not know whether any of them was ever caught at it.

Question. Do you know whether the stealing had actually been done?

Answer. Yes, sir; at least it was the talk.

Question. How did you propose to proceed in that organization for the purpose of remedying the stealing of produce?

Answer. I do not know.

Question. Were you going to take the law into your own hands; was that the purpose of the organization?

Answer. No, sir; I did not understand it in that way.

Question. Were you to become constables or police officers to arrest the people who stole?

Answer. No, sir; I told you I did not know but very little about the means of the order.

Question. Were you to become members of the vigilance committee to punish the men you saw proper who were charged with stealing?

Answer. There was nothing of that kind said.

Question. How was your order to operate?

Answer. Well, sir; I cannot tell you. I suppose it may have been intended, where it was proved that persons were stealing and they were not punished for it.

Question. Do you consider yourself released from the obligation of secrecy imposed upon you to tell what you do know about the organization?

Answer. I do.

By Mr. BAYARD:

Question. Do you feel completely free from any obligation?

Answer. I do; completely so.

By the CHAIRMAN:

Question. When Colonel Bergen asked you if you belonged to the Ku-Klux you denied it?

Answer. Yes, sir.

Question. Did you not know that the term KU-KLUX, as he used it, meant these same political organizations, of one of which you were a member?

Answer. Yes, sir; I know that was what he meant.

Question. Yet you denied it?

Answer. Yes, sir.

Question. Do you claim to be a man of truth?

Answer. Yes, sir.

Question. How do you justify that denial?

Answer. I considered he had no authority.

Question. He put the question to you and you say you knew he meant the same organization?

Answer. I supposed he meant that; I did not know.

Question. Was that a part of the system of the secret organization, that the name popularly known as Ku-Klux should be denied, and that you should deny that you were members when asked?

Answer. No, sir; I do not think it was.

Question. You state here that you knew when he asked you whether you belonged to the Ku-Klux that he meant this same political organization of which you were a member?

Answer. Yes, sir; I supposed he meant that.

Question. Were the prisoners that were with you all members of that order?

Answer. There were some that were not, I think.

Question. Who?

Answer. I do not think I could call the names. Some of the men that he released said they were not members. There was one man named Gaut.

Question. Were the large majority members of the Ku-Klux organization?

Answer. Well, sir; I suppose they were.

Question. Don't you know?

Answer. Only from what they said.

Question. Did they not acknowledge to you that they were, and you acknowledged to them that you were?

Answer. Yes, sir.

Question. You acknowledged to each other that you were members?

Answer. Yes, sir; while we were in prison.

By Mr. BAYARD:

Question. Did you call the Constitutional Union Guards Ku-Klux?

Answer. No, sir; we did not.

By the CHAIRMAN:

Question. But this is the oath of that order that you have identified?

Answer. Yes, sir; or part of it.

Question. And you acknowledged to each other that you were members of societies bound together by that oath?

Answer. Yes, sir.

Question. And yet was not the charge made that citizens were arrested there who were not members of that organization? Was it not published in the newspapers that you were falsely so charged?

Answer. I do not know about that. I do not recollect ever seeing it.

Question. You denied to Colonel Bergen that you were a member?

Answer. Yes, sir; of course I did.

Question. Did not others deny it also?

Answer. I do not know whether they did or not. Some did, I reckon.

Question. The purpose was to arrest the men who were members of this organization?

Answer. I suppose that was the intention; but then they got some that were not members.

WASHINGTON, D. C., February 23, 1871.

E. C. WILSON sworn and examined.

By the CHAIRMAN:

Question. Have you been living or traveling in North Carolina in the last two or three years?

Answer. In 1868 and 1869 I traveled through all the Southern States as examiner of the national banks. In the spring of 1869 I was in North Carolina.

Question. What knowledge have you of the condition of society there as affected by any disturbance of the public peace, and of the ability to secure redress for injuries?

Answer. In North Carolina I found everything a little different from any other States. There was a great deal of political excitement among the people, at least those with whom I mixed, but the bulk of it seemed to be in opposition to Governor Holden, who seemed to be exceedingly obnoxious to everybody, at least, that I talked to. There was a great deal of trouble, apparently, in their minds in relation to his administration of the government.

Question. Was there any disturbance of the public peace—any murders?

Answer. I saw none. I heard of one or two murders which were attributed to po-

litical influence, murders that arose between political opponents, blacks and whites. They were afterwards investigated, and it was found they arose out of local difficulties. One was about the burning of barns, and one party murdered the other.

Question. Do you remember the parties?

Answer. I do not.

Question. What counties were they in?

Answer. I do not know the names of the counties in North Carolina at all, but it was ten or fifteen miles from Wilmington.

Question. Was it only in your capacity as examiner of national banks that you were in the State?

Answer. That was all.

Question. Did you come in contact with any portion of the community, except those in the banks?

Answer. I did not, except in traveling and at the hotels. I had a good deal of conversation with every one who desired to converse.

Question. Have you personal knowledge of the state of affairs existing in any county of North Carolina which enables you to speak in regard to the sense of security enjoyed of person and property?

Answer. I have no personal knowledge of the want of security, but I heard a great deal of expression from all parties of the insecurity of life and property, and various reasons given for it, pro and con.

Question. State what those expressions of opinion were.

Answer. The most expressions were that Governor Holden was determined not to carry out the laws except for his party, or his personal aggrandizement; that he considered everybody his political enemy unless he was known to be his friend. General Grant had not yet been inaugurated, and they all spoke with confidence of him, hoping that justice would be done. They also spoke of your colleague, Senator Cameron.

Question. In what respect did they ask for justice?

Answer. They wanted to get rid of military rule—wanted their own State government.

Question. Was there not a State government there in the spring of 1869?

Answer. Well, they said it was not as it should be; that they were under military rule, that troops were quartered on them for the purpose of controlling them in some way. They did not speak definitely.

Question. This was the time they were complaining of Governor Holden's administration?

Answer. Yes, sir.

Question. Then they considered he was not a lawful governor?

Answer. No, sir; not that he was elected unlawfully, perhaps, but they said he did wrong in the manner in which he attempted to carry out the laws.

Question. That was said on one side; how was it on the other?

Answer. On the other side they charged that the negroes were oppressed. And allow me to say that I saw in Louisiana, South Carolina, and North Carolina, an immense body of negroes about the seacoast. In the neighborhood of Wilmington the negroes came from all sections of the country with no place to stay. And at Raleigh I found the curbstones lined with them. At first it was a mystery to me.

Question. What reason did they assign for being there?

Answer. They said they came for work. I conversed with a few of them; they wanted me to take them north—they had nothing to do and nothing to eat.

Question. Was there any complaint of violence or of being driven away?

Answer. No, sir; I heard nothing of the kind.

Question. Did you make it your business to inquire?

Answer. Only in a few instances. I asked one man why he did not stay with his master. He said he was free now and wanted to go to some other place; that he did not consider himself free in his old place, but would have to do as he always did.

Question. Did you hear of any violence by the Ku-Klux organization?

Answer. I did hear of some acts of violence, but I never saw any and never saw a man who was a Ku-Klux, or acknowledged that he was.

Question. Did you meet anybody who was injured by their operations?

Answer. I met one white man at Goldsboro who said he had his arm hurt by the Ku-Klux.

Question. Have you any knowledge that will enable you to give a reliable and satisfactory statement of the condition of things in any part of the State?

Answer. I can only give you my own personal impression for all I saw and heard, which was not very much; that is, personally.

Question. Did you hear enough to be able to state as to the true condition of the people in regard to the security of person and property?

Answer. I do not know, except that they spoke of Governor Holden's administration being backed up by the military of the State. They said something about carpet-

beggars. I asked them if Governor Holden was not a citizen of North Carolina, and they said, I think, that he was.

Question. Did their complaints arise out of anything but opposition to the United States troops?

Answer. Yes, sir; they said he had appointed bad officers and would recognize all their bad acts and back them up by the military.

Question. Did you talk with anybody on the other side?

Answer. Yes, sir; I heard a great many maintain that he was doing what was right.

Question. Then the people of the State were divided?

Answer. Yes, sir; on that question.

Question. That was a question of civil administration?

Answer. Yes, sir.

Question. When it came down to the question of security of person and property, as protected by the courts, did you hear anything on that subject?

Answer. Yes; that was one great point made by one or two gentlemen very particularly at Wilmington. A Director in the bank there said that Governor Holden had appointed such incompetent men that they neither understood law nor cared whether they used their authority to carry out the law, but only for the purpose of carrying out their own private views.

Question. Did he tell you that the governor appointed them?

Answer. That he had something to do with it. I understood him to say that he appointed them.

Question. Do you know whether they were appointed or elected?

Answer. I do not.

Question. And you took as true the statement, in 1869, that Governor Holden appointed the judges?

Answer. Yes, sir; I supposed so; I did not contradict the assertion.

Question. I understood you to say that they told you Governor Holden appointed the judges?

Answer. Yes, sir; bad officers to administer the laws.

Question. We take that as an instance of the extent of your knowledge of the government of the State of North Carolina?

Answer. I do not know anything of the organization of the State government.

By Mr. BLAIR:

Question. Might it not have reference to the fact that by his influence he caused them to nominate these negroes?

Answer. Yes, sir; I suppose that must have been it—if not elected, he had used his influence; but I think they used the word appointed, although they may have used it in another sense.

Question. The statement was not confined particularly to the judges?

Answer. No, sir; they said bad officers.

By the CHAIRMAN:

Question. Were you in the State long enough to identify yourself with either of the parties in Holden's administration?

Answer. No, sir; I took good care not to identify myself with any person. They knew nothing of my views or politics.

Question. Then I understand your information was derived principally from gentlemen in your official capacity, and that you made no inquiry generally outside?

Answer. Very little; I did not want to be mixed up with anything.

By Mr. BLAIR:

Question. I understood you to say that the dissatisfaction with Holden was not confined to the democrats?

Answer. It was not.

Question. Was not a great deal of the dissatisfaction created by the enormous bonded debt that had been placed upon the State under Holden's administration?

Answer. Since you call my attention to it, some persons did speak at Raleigh about a conspiracy intended by the governor and some other parties—a man by the name of Swenson—to get some bonds for a railroad; something of that kind.

Question. Did not that figure very considerably in this political excitement?

Answer. Well, sir, I did not hear anything about that except at Raleigh, where I spoke to a lawyer by the name of Merriman, who was a director of the bank and counsel, and he spoke about Governor Holden. There was more excitement about Holden than anything else.

Question. What was the impression you derived from all you heard as to whether he was administering the State government properly or improperly?

Answer. I thought I weighed all I heard; the majority of the people that spoke to me were against Governor Holden, although he had some supporters apparently of some influence. The quietest and pleasantest State I saw was Alabama.

By Mr. BAYARD:

Question. How many banks in North Carolina did you examine?

Answer. One at Newbern, one at Wilmington, two at Raleigh, one at Charlotte, and one at Salem.

Question. How long were you there?

Answer. Five or six weeks; I was detained at Raleigh some time.

Question. You say that the complaint was that Governor Holden appointed improper men to office and that he sustained their acts by appeal to the military force of the United States?

Answer. Yes; they said that he boasted that he would carry out any measure he pleased; that he did as he pleased with the military. I asked them why they did not remedy this thing in a proper way, and they said he had boasted of his military force to do as he pleased.

Question. Did you know of the fact of his organizing in some counties the negro militia?

Answer. No, sir.

By the CHAIRMAN:

Question. Were the military at that time in North Carolina?

Answer. I saw none there except at Goldsboro. They had just gone, I believe, to South Carolina; at least, I met Colonel Bonford at Columbia, South Carolina, and he said he had been at Raleigh.

By Mr. NYE:

Question. Don't you know the military were withdrawn from there before that?

Answer. No, sir; I saw them at Goldsboro.

Question. How many?

Answer. I do not know; they said six or eight hundred.

Question. What were they there for?

Answer. I did not hear that.

By Mr. BAYARD:

Question. Governor Holden's boast was that he would sustain any acts of his officials by military power?

Answer. That is what they complained of.

Question. That matter was not left to the institutions of the State and people?

Answer. No, sir; they said they had no rights and could not get them. As to the General Government, they said nothing at all against the incoming administration. They seemed to place great reliance on General Grant.

Question. Did you move more or less among business men at the hotels?

Answer. Yes, sir.

Question. Do you usually stay at the hotels?

Answer. Always.

Question. As a matter of personal security to yourself did you feel in any degree more insecure in North Carolina than you would in Pennsylvania or New York?

Answer. I did not; I felt perfectly secure anywhere. I saw nothing to make me fear as regards personal safety.

Question. In your opinion, from what you saw and heard, is there a class of professional politicians in North Carolina, most of whom are from other States, who are disposed to hold office there against the will of the people, and for that purpose are desirous of keeping up the strife and confusion?

Answer. I heard them say that there were a great many "carpet-baggers" there, but they said that Holden was worse than all the "carpet-baggers" put together.

Question. Were not his condutors from other States spoken of as persons who were not identified with the interests of the State.

Answer. They all said that. They talked of invasions from the North of carpet-baggers, scoundrels, and villains who were holding office.

Question. Did they say they held office by confederating with Holden?

Answer. No, sir; not by confederating, but they spoke about their being in the places. They did not speak of conspiracy with anybody.

Question. Did you find that the class of persons who were defending Holden were endeavoring to keep up the idea that the State could not govern itself properly without the military power?

Answer. No, sir; they spoke of the oppressive political government of Holden, and did not sustain him.

Question. Did they justify the use of the military on every occasion?

Answer. No, sir; I never heard it justified.

Question. But you heard it complained of very much?

Answer. Complained of by nearly everybody.

By Mr. BLAIR :

Question. What do you think of the policy of general amnesty; would it reconcile the people of all the Southern States to the Government more than anything else?

Answer. I do not know how that would be. I was always in favor of it, and am to-day; but if it had occurred some time ago it would have been better. There are personal disputes between prominent individuals in all the Southern States, particularly in North Carolina, that are so violent that no amnesty would make the parties friends or behave themselves. If you were to hang three or four hundred of the violent men on each side, that might have some effect. I do not know that an amnesty act now would do any good. It would not very soon quiet the trouble in North Carolina.

Question. You think a great deal of the bitterness has been created by the proscription?

Answer. Oh, yes; they spoke of it. Still a great many said they were served all right—they had no business to oppose the Government.

By Mr. BAYARD :

Question. Was Holden's party in favor of continued proscription and opposed to amnesty?

Answer. I do not recollect anything about that. I know they are universally opposed to him, because they said he was not administering the laws for the good of the people, but for partisan and personal purposes.

Question. That was the general belief on the subject?

Answer. Yes, sir.

By the CHAIRMAN :

Question. In what month in 1869 did you visit North Carolina?

Answer. In February, I think.

Question. How long did you remain there?

Answer. Four or five weeks.

Question. Before February or March, 1869, had Governor Holden ever called out his State military?

Answer. Not that I know of.

Question. How, then, was there complaint against him for the use of the military?

Answer. I do not know; I mention merely the fact that they complained of it.

Question. Don't you know he did not call out the military prior to February, 1869?

Answer. They were not speaking of the militia of the State, but of the United States troops.

By Mr. NYE :

Question. Did he ever call to his aid the United States troops?

Answer. Not to my knowledge.

By Mr. BAYARD :

Question. You only heard it complained of by the people?

Answer. In fact, the complaints about the military were not definite at all.

By the CHAIRMAN :

Question. The only troops you saw were at Goldsboro?

Answer. Yes, sir.

Question. Were they stationed there for the purpose of enforcing any part of the State government?

Answer. I do not know why they were there.

Question. Do you know whether they were there in barracks or as a nucleus for an army, or for what purpose?

Answer. There was an old camp on the edge of Goldsboro, wooden barracks; I do not know whether it was put up by the United States after the war was over or not.

Question. Didn't you know the fact that when the State government was organized the military were withdrawn from all the States as any part of the governing power?

Answer. Well, I recollect some such fact, some such order from Washington, but only from the newspaper reports.

Question. Were there any United States troops left in North Carolina after the organization of the State government for the purpose of carrying out any part of the State government?

Answer. That I do not know. I never heard that they were stationed there for any purpose.

Question. Can you give any point to that complaint? What did they complain that the military had done?

Answer. Sustained Governor Holden in what they called his bad acts, and that he boasted he would be sustained and had the United States at his back.

Question. Do you know of any instance in which the United States military authorities were called upon to aid Governor Holden prior to the time you went there?

Answer. No, sir; I know of no fact.

By Mr. BLAIR:

Question. This was after the presidential election?

Answer. Yes, sir.

Question. Had n't they any use for the troops there?

Answer. There were some troops at Goldsboro before that, as I have already stated.

By the CHAIRMAN:

Question. Were the men who made these complaints members of the conservative or republican party?

Answer. I heard complaints against Governor Holden by both sides, but mostly by conservatives or democrats.

Question. Speaking about the military?

Answer. I heard complaints from men who claimed to be republicans, but the majority were from the democratic or conservative side.

By Mr. BLAIR:

Question. Colonel Bumford told you he had been there with his troops at the preceding presidential election?

Answer. I do not know; he said he came direct from Raleigh to Columbia, but I do not know what time he went.

By the CHAIRMAN:

Question. Are you still a banker?

Answer. No, sir.

Question. When did your functions cease?

Answer. In the spring of 1869, when I came home.

Question. Have you any knowledge of the state of things in North Carolina since February or March, 1869?

Answer. No, sir; except what I hear.

Question. You have not been in the State since then?

Answer. No, sir.

By Mr. NYE:

Question. Can you remember any particular republican who complained about Governor Holden?

Answer. No, sir; nor hardly any on the other side, for every man was a stranger to me in the State except one or two.

Question. Your business was banking, and nothing else?

Answer. Nothing else; I was a sojourner.

Question. Did you go into any of the counties and inquire what was the political feeling there?

Answer. No, sir; I kept clear of politics entirely. They all thought General Grant would fix everything right, for they believed in him, they said.

By Mr. BLAIR:

Question. You have not been there since to ask them whether they think so still?

Answer. No, sir. Everything seemed to be in a great confusion—social life and everything else.

By Mr. BAYARD:

Question. In your opinion, now, do you not believe the affairs of that State can be best put right by leaving them to the will of the people themselves?

Answer. I am hardly prepared to answer that. I think if General Grant would just say to North Carolina that he would protect her and take care of her she would stand by the Government. I believe the people would rush in like madmen, almost, to sustain him.

Question. Is that the sentiment of the conservative party?

Answer. Yes, sir.

Question. In order to be free from the oppression and misgovernment of Holden and his party?

Answer. Yes, sir.

By Mr. NYE:

Question. You say you heard no complaints of unfriendliness on the part of the General Government?

Answer. I heard none at all, but they expressed confidence that General Grant would protect them and free them. He had just come into office at that time.

WASHINGTON, D. C., February 23, 1871.

DAVID W. KERR sworn and examined.

By the CHAIRMAN:

Question. Where do you live?

Answer. In Alamance County, North Carolina, about four miles east of Graham.

Question. How long have you lived there?

Answer. I was born on the plantation I now occupy; I have spent nearly all my life there; always considered the county my home.

Question. What is your occupation?

Answer. A farmer.

Question. Have you any knowledge of any secret organization existing in that county of any character?

Answer. No, sir; not of my own knowledge.

Question. Did you know anything about what is commonly called the Ku-Klux?

Answer. No, sir; I have heard within the last six months of some men who said they had belonged to some organizations; they did not call them Ku-Klux--White Brotherhood and Constitutional Union Guards, I think.

By Mr. NYE:

Question. And Invisible Empire?

Answer. No, sir; I never heard any man say he belonged to any such organization as that in the county.

By the CHAIRMAN:

Question. Were you a member yourself of any one of these organizations?

Answer. I never have been a member of any secret political society.

Question. Whom did you hear say he was a member of any one of these orders.

Answer. I have heard persons say that had been initiated.

Question. Whom did you hear say that?

Answer. I heard Mr. McLain.

Question. Where does he live?

Answer. In Graham.

Question. Where did he say he had been initiated?

Answer. I do not recollect. He said, speaking of it, that he had been initiated but never acted with them.

Question. In the White Brotherhood?

Answer. I think it was.

Question. How did he come to tell you that?

Answer. Well, sir, there were a good many arrested in the county, and I think he was one of the men whose names were given. I am not certain that he signed any paper, but he admitted to gentlemen who were talking with him afterwards about it.

Question. What was the occasion of his telling you he joined the order?

Answer. I cannot be positive.

Question. Was it before he was arrested?

Answer. He never was arrested.

Question. Was it before other men were arrested, or after?

Answer. After.

By Mr. BAYARD:

Question. You speak of the arrest by Kirk and Bergen?

Answer. Yes, sir; I never had any reason to believe that any citizens in the county belonged to it.

By the CHAIRMAN:

Question. Where was he when he told you that?

Answer. I think in the court-house at Graham.

Question. Who were there when he told you?

Answer. I do not remember positively about it. McLain is a very quiet, orderly citizen, and I was surprised to hear that he had joined it; and in conversation I think he stated that he joined--I will not be positive about it.

Question. You are not even certain that he did tell you?

Answer. I do not recollect that he expressed himself very decidedly.

Question. What was going on when he told you this in the court-house--any trial?

Answer. No, sir; it was some time after the arrest. There was no business going on that I recollect.

Question. What induced you to say, in the first place, that he had joined the White Brotherhood; you remember that fact?

Answer. Not positively, but to the best of my recollection; I am not certain that he said it was the White Brotherhood, but that is the impression I have.

Question. Did he tell you he was initiated?

Answer. No, sir.

Question. Or who initiated him?

Answer. No, sir.

Question. Or what the purpose of the society was?

Answer. No, sir. He is an officer—clerk of the commissioners—an old friend of mine, and I just happened to call in his office.

Question. That is the way it came about; he is clerk of the commissioners, and they have their office in the court-house, and you went in to see him?

Answer. Yes, sir.

Question. And he told you there he had been initiated into the White Brotherhood?

Answer. I think it was there.

Question. You say he was a quiet, orderly man, and you were surprised that an orderly man would join that order; had that order been committing acts of violence?

Answer. Not that I know of.

Question. Then what surprised you?

Answer. I myself was appalled to all political organizations and secret societies, and was rather surprised, knowing he was a very quiet man and took very little part in politics. There had been some abuses, which were charged on the Ku-Klux—some acts of violence—and I was rather surprised that he should have joined it.

Question. Was it because in your mind the impression was fixed, that the Ku-Klux did commit acts of violence, that you were surprised that an orderly man should join it—is not that the truth of it; how is that?

Answer. Well, there were acts of violence reported, which were said to have been committed by persons in disguise.

Question. Was it not because you believed that those acts were committed by Ku-Klux that you were surprised that orderly men should join it?

Answer. Yes, sir; I suppose acts of violence were committed by persons who were called Ku-Klux, so spoken of by the citizens of the county.

Question. Did you not believe that those acts of violence had been committed by the Ku-Klux, and, therefore, were surprised that an orderly man should join them? Do you know whether you did or not believe it?

Answer. Well, sir, I had supposed that they had, just from rumor; I know nothing about it.

Question. Did you try to dissuade him from having anything to do with it?

Answer. No, sir.

Question. This was after he had come out?

Answer. I think it was generally understood in the neighborhood that he acknowledged he belonged to them, but that he never had, I think, attended any of the meetings, or taken part in any act of violence. I had, before that, in a conversation with some of my young friends, when the organization was spoken of and the acts of the Ku-Klux, discountenanced the thing, and expressed my disapprobation of it.

Question. You mentioned McLain. Who else told you he belonged to the organization?

Answer. I do not recollect positively; I have heard the names of several. You mean up to what time?

Question. At any time. Can you remember anybody else?

Answer. I have heard Mr. Murray, who has been here, say he was partially initiated, and took part of the oath.

Question. Is he a merchant in Graham?

Answer. Yes, sir.

Question. When did you hear that?

Answer. Yesterday; I do not think I ever heard him say so before.

Question. Had you ever heard anybody, at any time before that, acknowledge they were members of the organization, except McLain?

Answer. I do not recollect that I have; I certainly have heard no one, unless it is some who have made public confession; some who have made affidavits in our county and acknowledged that they belonged to such organization.

Question. I am speaking now entirely of statements made to you yourself. How near do you live to W. S. Bradshaw?

Answer. I know him very well; I live some four miles from him.

Question. Have you ever had any conversation with him about this organization?

Answer. I do not recollect particularly that I had.

Question. Did he ever tell you he belonged to it?

Answer. No, sir.

Question. Did you know A. G. Moore?

Answer. Very well.

Question. Did he ever tell you he belonged to it?

Answer. No, sir.

Question. J. W. Still?

Answer. Very well.

- Question.* Did he ever tell you he belonged to it ?
Answer. No, sir
Question. David A. Mebano ?
Answer. Yes, sir.
Question. Did he ever tell you he belonged to it ?
Answer. No, sir.
Question. Anderson Thompson ?
Answer. Yes, sir.
Question. Did you talk with him about this secret organization ?
Answer. No, sir.
Question. D. B. Teague ?
Answer. Yes, sir ; I am not certain about the initials ; he lives in Graham.
Question. Did he tell you anything about it ?
Answer. No, sir.
Question. A. J. Patterson ?
Answer. Yes, sir.
Question. Had you any talk with him about this organization ?
Answer. No, sir.
Question. Then the only man you can call to mind is McLain ?
Answer. Yes, sir ; I have heard no man except such as have since publicly acknowledged.
Question. Did you hear them acknowledge it, those who acknowledged it publicly ?
Answer. No, sir ; I have seen some of the affidavits.
Question. When these outrages occurred what position did you take about them ; did you endeavor to bring anybody to justice for committing them ?
Answer. No, sir ; I made no attempts ; there were very few committed.
Question. How near to you were any of them committed ?
Answer. Some three or four miles. The nearest I recollect hearing of was not nearer than 34 miles.
Question. Who was that ?
Answer. It was the negro Puryear, whose body was found in a mill-pond.
Question. That was after Outlaw was hung ?
Answer. Yes, sir.
Question. Did you hear of the hanging of Outlaw ?
Answer. Yes, sir.
Question. Did you hear of the whipping of a man named Corliss ?
Answer. Yes, sir ; it occurred about Company's Shops, about six miles from where I live.
Question. Did you hear of the whipping of Samuel Allen, a colored man ?
Answer. I do not recollect it.
Question. When these things occurred did you denounce them or say anything about them ?
Answer. Well, sir ; I condemned such things sometimes.
Question. To whom did you utter the condemnation ?
Answer. I remember particularly talking to a brother of my own and a brother-in-law. I lived in a retired place and staid very closely at home ; but when the subject was talked of I know I was opposed to such things.
Question. Did you believe the Ku-Klux did it ?
Answer. I believed from what I heard that disguised persons did it.
Question. Members of this same organization ?
Answer. Well, sir, I had no evidence of the existence of any such organization in the county, unless that be considered evidence.
Question. Did you believe it did exist ?
Answer. Well, sir, I believe from what I have heard that these societies did exist.
Question. In the county ?
Answer. Yes, sir.
Question. Did you believe there were members of the society who hung Outlaw ?
Answer. [A pause.] Well, sir, it is said to have been done by disguised persons.
Question. Do you believe it was done by the members of that secret society commonly known as Ku-Klux ?
Answer. [A pause.]
Question. Will you answer that question ?
Answer. Yes, sir ; I suppose that—
Question. Have you any sons ?
Answer. Yes, sir ; not grown.
Question. Any of them old enough to be members of this organization ?
Answer. My oldest son is eighteen years.
Question. Was he a member ?
Answer. I think not.
Question. Do you know whether he was or not ?

Answer. I do not know; but I am fully satisfied he was not.

Question. Were you arrested yourself at any time?

Answer. I was not. My neighbors, a good many, were arrested. I expected to be, but was not.

Question. Why did you expect to be?

Answer. Well, sir, they were arresting my neighbors around me, who were good citizens, and I considered us free from all violations of law as I was myself, and I felt I was myself innocent.

Question. Who were the good citizens that you felt were as free from violations of law as yourself?

Answer. One was my neighbor, H. Scott.

Question. Who else? Was there a young man named Rogers arrested?

Answer. Yes, sir; he was.

Question. Was he one of the men you consider a good citizen?

Answer. Well, he is a quiet, orderly man. I knew nothing against the young man.

Question. Was C. L. Murray one of them, also, who was arrested?

Answer. He was arrested.

Question. Is he one of the men you consider a good citizen?

Answer. Yes, sir.

Question. Suppose the fact were made known to you that they were both members of that organization, would you still consider them good citizens?

Answer. [A pause.] Yes, sir.

Question. You consider, then, members of that secret organization as good citizens?

Answer. Well, good man. I considered that an error a man may have committed, and some of them did commit it, who were good citizens.

Question. Did you not rather excuse and justify these acts committed by this organization?

Answer. Well, sir, so far as I could judge from their acts—I only judge from the cases of whipping, &c.—it seemed to me to be a sort of police or vigilance committee, rather than a political organization.

Question. Did you approve it for that purpose? Think it right?

Answer. No, sir; I was always opposed to anything of the kind.

Question. Did you ever read the oath that was alleged to be taken by them?

Answer. I think I have read it; what was said to be the oath.

Question. Do you think there was nothing political in that?

Answer. I do not recollect particularly about it. I have seen it, but I did not examine it very particularly.

Question. (Reading the oath to the witness.) Is this the oath that you have seen?

Answer. Well, sir, I cannot be positive about it.

Question. How does it strike you?

Answer. Some parts of it are the same.

Question. Taking that oath as it is, is there anything political in that?

Answer. Yes, sir, it seems to me there is.

Question. What party do you vote with in politics?

Answer. I have acted with the democratic or conservative party.

Question. Have you known anybody who has been injured by any of these raids who was a democrat or a conservative?

Answer. Well, I do not know the politics of the parties. I do not think any one was a democrat.

Question. If you had taken such an oath as this that I have read to you, would you consider yourself at liberty to tell us anything about the order?

Answer. [A pause.] Yes, sir; I suppose I would. I could not have been induced to take such an oath.

By Mr. NYE:

Question. Do you think a man who would take that oath is a good citizen?

Answer. Well, a man might take that oath without understanding it, being read to him carelessly.

Question. Assuming that he understood it well, as every man should who takes it?

Answer. Well, a man ought to understand it well before he takes the oath. I think not, sir.

Question. Assuming that he understood it well, do you think that a man who took that oath and acted under it is a good citizen?

Answer. No, sir; I do not.

Question. Was it a thing well known and understood that this society did exist?

Answer. No, sir; I never heard a word nor saw an act in my life till some of the men made confessions.

Question. Is it a thing now well understood that such an order did exist?

Answer. Yes, sir; it is generally believed.

Question. By all classes?

Answer. I think so.

Question. How far did you live from Outlaw?

Answer. About four and a half miles.

Question. Did you lend any hand in attempting to discover who his murderers were?

Answer. No, sir; I was not in the town of Graham for a week or two after the occurrence.

Question. Did you feel, as a good citizen, at liberty to hear within four miles of you of a man taken from his house and hanged, without putting forth any effort to learn who the criminals were? Did you consider that as discharging your duty as a good citizen?

Answer. I thought it was the duty of the officers of the county and citizens who lived in the town of Graham to attend to these things.

Question. So that you did not feel it to be your duty if a man was killed out of your town to put forth any effort to discover the persons who did it?

Answer. I think it is first the duty of the officers.

Question. Undoubtedly; but did you not regard it the duty of every good citizen?

Answer. Yes, sir; so far as he has means and opportunity for doing it; but I know that there were the officers of the county and township and citizens of Graham.

Question. Do you know of any of your neighbors, whom you call these good citizens, putting forth any effort to learn who committed that crime, and to bring the persons to punishment?

Answer. I do not.

Question. Is not this the fact: that the parties there known as conservative and democratic did not put forth any effort to learn who these persons were that committed these offenses?

Answer. I do not know that any less effort was made by the conservative party than by others; I do not recollect that any special effort was made by any one.

Question. Do you know of a single democrat that put forth any effort to bring persons guilty of that outrage to punishment?

Answer. There was an inquest held by the coroner according to the laws of our country. He summoned jurors, as I understand, and held an inquest.

Question. Do you know of any person belonging to the conservative party who put forth any effort to aid the coroner in the investigation?

Answer. I do not.

By Mr. BLAIR:

Question. Do you know of any person belonging to the radical party who put forth any effort to discover them?

Answer. I do not.

By Mr. NYE:

Question. Was not the sheriff of the county of Alamance a democrat?

Answer. He was.

By Mr. BLAIR:

Question. Were not the judge of the county and the prosecuting attorney radicals?

Answer. Yes, sir; both.

By Mr. NYE:

Question. Do you know of the sheriff going into the neighborhood where it was done and making any effort to ascertain who it was?

Answer. As I have been informed, the sheriff lived four miles from the county seat. In the morning when Outlaw's body was found suspended near the court-house, a messenger was dispatched for the sheriff, and he came to the court-house and then the coroner was notified and an inquest was held.

Question. And nothing was found against anybody?

Answer. No, sir.

Question. Did that kind of operations strike terror into the community there?

Answer. Yes, sir; the community were shocked at such a thing, and public sentiment, I thought, generally condemned it. I never heard any man justify such a thing.

Question. Did you feel any apprehension from these Ku-Klux yourself?

Answer. No, sir; I did not.

Question. Was the reason of that on account of your politics?

Answer. No, sir.

Question. What was the reason that you did not feel any danger as much as other people?

Answer. Well, sir, so far as I heard of any outrages having been committed in the county they had been generally committed on men of bad character, in every instance that I had heard of, previous to this; and the reason assigned for the hanging of Outlaw was that he had fired on a body of disguised men previous to that time.

Question. Who did you understand that this body of disguised men were?

Answer. Well, they were called Ku-Klux.

Question. He had fired on them?

Answer. So it was reported; of course when I heard of his death the question arose immediately why he was killed.

Question. The judgment was that he was killed because he had fired into the body of disguised men?

Answer. Yes, sir; that was the reason assigned.

Question. Was that considered in the community, and by then, as a sufficient cause to hang him?

Answer. No, sir; not to justify it.

Question. Was it palliated?

Answer. I do not suppose any one considered it a justification; it might be, I suppose, in the eyes of a good many, a palliation.

By Mr. BLAIR:

Question. Would it not be considered a palliation in any community, that a man was killed for shooting at the very men who killed him?

Answer. I think so, sir.

By Mr. NYE:

Question. Do you regard the riding through communities, of disguised men, as a proper thing?

Answer. I do not.

Question. Did not that fact strike terror, especially in the minds of the blacks there?

Answer. Well, I suppose it did alarm them some.

Question. Did you not know that it did?

Answer. Well, I know that it had its effect on the blacks in some places, and I suppose it did in those about Graham.

Question. What effect did it have; did it have an effect to alarm them?

Answer. Yes, sir; they were some of them alarmed. They came more closely at home, and had some fears about leaving their homes and running about at night.

By Mr. BLAIR:

Question. Was it a symptom of alarm said to have been displayed by Outlaw in shooting at these men?

Answer. I think not; as I have understood it they merely passed through the village around the streets in disguise. In passing the place where he lived they were fired at; not from alarm at all.

By Mr. NYE:

Question. Did they ride through the town in the dark-time disguised?

Answer. Not that I have heard of.

Question. Did you ever hear of any effort on the part of the sheriff of your county, or any of the citizens there, to arrest these people that rode in disguise?

Answer. There have been men arrested and bound over to court. I heard of some cases—in fact there have been parties arrested and convicted.

Question. Two negroes?

Answer. Three, I believe.

By Mr. EAYARD:

Question. Had they been disguised and riding about?

Answer. I do not know whether they were riding or walking. They were disguised and visited a house of some other negroes, and I think whipped two of them and threatened another.

By Mr. NYE:

Question. They were convicted?

Answer. Yes, sir.

Question. Have you ever heard of a white person being convicted for that in your county?

Answer. No, sir; I have not. I have heard that there were a few arrests made, and I think there was a bill drawn up by the solicitor and taken before the grand jury. I was not on it.

Question. He was a republican solicitor?

Answer. Yes, sir.

Question. There was no bill found?

Answer. No, sir; but I have understood that there were republicans also on the grand jury.

By Mr. BLAIR:

Question. Was there an organization in your county called the Loyal League?

Answer. I so understood it; I do not know.

Question. What was the general opinion that it was composed of generally?

Answer. It was composed mainly of the blacks and some whites—more blacks than whites.

Question. Did you ever hear of these blacks, in their organization or otherwise, using any efforts to intimidate voters and prevent them from voting the democratic ticket?

Answer. Well, sir, I am satisfied of the fact that they were intimidated, but I do not know that I ever heard of their making any threats in my county.

Question. Have you ever heard any of the negroes say so themselves?

Answer. I have heard negroes assign as a reason for voting the republican ticket that they were abused so much by the other negroes that they were afraid to do it.

Question. Do you believe that these organizations permit any independent action on the part of the negroes?

Answer. I do not.

Question. That they use their power and organization to such effect that the negroes who wish to vote the other ticket do not consider themselves at liberty to do so?

Answer. I think they are afraid to do so.

Question. Do you not think many of them would vote the democratic ticket if they were allowed to do so without interference from their fellow negroes?

Answer. I am satisfied of it.

Question. Are not most of the negroes who are employed there employed by the conservatives?

Answer. Almost entirely.

Question. Do they live upon places rented from the conservatives?

Answer. Yes; nearly all.

Question. Is there not in many instances a great feeling of kindness and friendship subsisting between many of the white people and some of the negroes?

Answer. Yes, sir; the negroes regard those who vote with the conservative party as their best friends. When they get in sickness or distress they are most apt to apply to them for relief. One reason is they are more able to assist them.

Question. With this feeling and with these facts existing is it not natural that the negroes if left to themselves should give support to the candidates of the conservative party?

Answer. I believe they will do it now. I could state a case that would illustrate the feeling among the negroes and the influence of this League. The slaves which I owned, a portion of them, have remained with me since 1863. In 1868 the first election, when the constitution was adopted, I had a boy which I had raised, a grown man, and I had talked to him about the election; tried to explain it to him and got him to understand his interest and mine, though I had no expectation of his voting the democratic ticket at all. The morning of the election he came to me very early and told me he wished to go to the election and wanted to vote the democratic ticket. I told him I would be there and would see him and I would fix his ticket all right for him. He told me that he did not want to go up there and proposed that he would be found at a store near the court-house and I could fix his ticket for him then. I found him there and gave him his ticket, and he was very much agitated. It was in April, cool weather, but the drops of perspiration were on his face, and his breast was heaving. I never saw him more excited in his life. I gave him his ticket and he marched up through the crowd and deposited it in the box and immediately left. I had another living with me that went on the morning of the election, spent half an hour there and left, but I saw nothing of him though he was there all day. He came back and reported that he voted the radical ticket. In the evening I asked the poll-keeper for a list of the persons in my township that had not voted. His name was given as one that had not voted, though he reported that he had voted. This same man afterwards, at the next election, voted the republican ticket, and assigned as the reason for it that he had been abused and cursed so much about the other.

Question. You think that is pretty universal among them?

Answer. There are a great many cases of that kind, I am satisfied. I do not know that it is so common.

Question. How many men were arrested by Kirk in the county?

Answer. I think it is generally understood there were about a hundred. I saw a published list with some ninety names. I knew the list was correct in some instances; and I knew of names on the list that had not been arrested.

Question. Were they generally good citizens?

Answer. Yes, sir; some of the best citizens in the county.

Question. What was the general character of George B. Rogers, Lucien J. Murray, and William Patton, the three men that were reported to have been hung up by Bergen?

Answer. They were quiet, orderly, well-behaved young men. I never heard anything amiss of any of them. Mr. Patton I know very well; have known him from his boyhood, and in fact I have known young Rogers. Mr. Murray I have not known more

than three years. Mr. Patton was a near neighbor of mine. He is a very quiet, inoffensive man, as much so as any man I know.

Question. Was not one of these men, Mr. Patton, considered rather an insane person, without sound mind?

Answer. Well, he is not a man of very strong mind. He is a man of not much intelligence; a quiet, timid man, a say-nothing man.

Question. Would anybody suppose that man had been guilty of any violence?

Answer. It is not believed in the neighborhood. At the time he was arrested nobody thought he belonged to the organization; being a timid man—any one would suppose him to be so from his appearance—it was supposed he was arrested thinking he might know something. In fact, it was the impression in the neighborhood that these first arrests were made rather at a venture, on suspicion.

Question. Were the people in your town very much excited about the enormous debt created under Holden's administration?

Answer. Yes, sir, a good deal.

Question. Did that have any effect in the elections?

Answer. I think it did.

Question. Were people alarmed and apprehensive that the State was being brought to the brink of bankruptcy?

Answer. Yes, sir.

Question. Was it the impression that the State was being spoiled by a band of corrupt persons who had possession of the legislature?

Answer. Yes, sir; that was the belief.

Question. What was the general idea in the State in regard to its indebtedness if Holden and his crew had succeeded in maintaining themselves in power?

Answer. We saw ruin and bankruptcy before us—no hope.

Question. No hope of extrication?

Answer. None at all.

Question. It would have been tantamount to the confiscation of the property of the State?

Answer. We considered it so.

Question. Did not many republicans vote against Holden on that ground?

Answer. I think they did; I know those who voted the republican ticket before, and I think a good many were influenced by that.

By the CHAIRMAN:

Question. You said the negroes looked upon the conservatives as their best friends and went to them in distress; did the negroes look upon the Ku-Klux as identified with the conservative party?

Answer. Well, I think not entirely; I think the impression with both whites and negroes was that a good many men availed themselves of these disguises to punish persons they wished to punish.

Question. Taking those who are members of the Ku-Klux organization, the White Brotherhood, the Invisible Empire, or whatever name they may bear, are they not all of the conservative party, as far as you know?

Answer. I think all those that have made acknowledgment—that is, all I know about it—acted with the conservative party.

Question. Do you say it is not the impression of the negroes that what is known as the Ku-Klux organization is in alliance with or countenanced by the conservative party?

Answer. Well, I suppose that is the impression among the negroes.

Question. You think that is the impression?

Answer. I think that is the impression, that most of them do.

Question. With that impression existing among the negroes, are you still of the impression that the majority of the negroes look upon the conservatives as their best friends?

Answer. [A pause.] Well, they do not politically.

Question. You have spoken of one negro boy that you raised. Who told you he wanted to vote the democratic ticket; had you any talk with him before that about how he would vote?

Answer. Yes, sir; I talked to him once or twice.

Question. Did you not tell him you would like him to vote the democratic ticket?

Answer. Well, I suppose I gave him to understand that from the conversation I had with him.

Question. He was in your employment?

Answer. Yes, sir; had been all his life.

Question. Did you make use of any other means to get him to vote the democratic ticket?

Answer. None at all.

Question. Did you tell him you wanted him to do so?

Answer. No, sir; I do not know that I told him so.

Question. You gave him to understand so?

Answer. It was in accordance with my wishes; of course he knew that.

Question. It was after you had given that opinion that he came to you and told you he wanted to vote the democratic ticket?

Answer. Yes, sir.

Question. You say he was very much agitated when he did vote?

Answer. Yes, sir.

Question. And you attribute that to what?

Answer. To his fear; I think he apprehended personal violence, or expected to be denounced and abused.

Question. Did he tell you that?

Answer. Yes, sir; he assigned it when he asked me to meet him before he got to the court-house; he assigned that as a reason for not going up; he asked me to meet him and give him his ticket.

Question. He was not agitated at the time he was talking to you, but when you met him at the store?

Answer. He was talking to me in the morning before he left the house; he was not agitated then.

Question. Do you suppose that anger at being led to vote against those he considered his best friends, made him agitated at all?

Answer. No, sir; no evidence of anger at all; he was not constrained by me. His application to me in the morning was unexpected to me.

Question. You spoke of another, who reported he had voted the radical ticket?

Answer. Not to me; he reported it to other negroes.

Question. You know that negro?

Answer. He lived with me.

Question. He was one of your former slaves also?

Answer. Yes, sir.

Question. Had you reason to believe in his truth; was he a truthful negro?

Answer. Yes, sir; generally; that was his general character.

Question. On going to the tally-list you found his name was not on?

Answer. At least it was so handed to me by the clerk.

Question. Were the officers of that election conservatives or radicals?

Answer. I think they were mixed; I cannot tell positive who they were.

Question. How were they appointed?

Answer. That was the first election in 1868, and I think they were appointed by the governor. It was understood the majority of them were radicals; I am satisfied that was the fact.

Question. At the election at which this negro voted?

Answer. Yes, sir.

Question. Do you remember the name of the officer?

Answer. I do not.

Question. What election was that?

Answer. The election for the county; it continued for three days.

Question. What was the date of it?

Answer. April, 1868.

By Mr. BLAIR:

Question. Did not Holden appoint them?

Answer. I rather think they were appointed by him, directly or indirectly. He was provisional governor at the time.

By the CHAIRMAN:

Question. How did the large mass of the negroes vote at that election?

Answer. They voted for the radicals—a very large proportion of them.

Question. You say a large proportion of them were in the employment of their former masters?

Answer. No, sir; the negroes have generally left their former masters, but they are living with men who belong to the conservative party. The most of them left their former masters pretty soon after their liberation.

Question. Did you consider voting in that way as an evidence of their considering the conservatives as their best friends?

Answer. No, sir; do not understand that they consider them their best friends politically.

Question. The negroes are under no constraint to join these loyal leagues; they may do as they please about it, may they not?

Answer. I suppose so; I do not suppose any of them are driven to do it.

Question. They do not deny that they are members of it?

Answer. Some of them do, I think.

By Mr. BAYARD :

Question. When you speak of the negroes regarding the conservatives as their friends, do you mean, when they are sick and in trouble and want, that they come to members of the conservative party to help them?

Answer. Yes, sir.

Question. And that they do not go to the radicals; is that what you say?

Answer. Well, yes, sir; they go oftener to the conservatives from the fact that they are more able to relieve them.

Question. And more disposed to relieve them?

Answer. That is my observation.

Question. Is the treatment of the conservatives toward them fair and kind, to the best of your knowledge?

Answer. It is.

Question. You spoke about their voting the radical ticket; do you not believe that is done mainly by the organization of these leagues which compel them to vote all in one body?

Answer. Well, that has a great deal to do with it. The negroes are ignorant, too, and they have been misled. A great many of them were influenced to vote the radical ticket at the outset by promises of land—forty acres—and a mule. They were all led to expect that, and I believe the most of them believed they would get it. Then they have been intimidated by threats that the conservative party wished to reduce them to slavery again. That had a great deal to do with it.

Question. Is the condition of society now in your county peaceable and orderly?

Answer. Very much so.

Question. In your belief can any man, white or black, obtain all his legal rights and all his political rights without interference?

Answer. Yes, sir; with no difficulty. With the exception of these cases of theft and insults to white women, there have been no violations of laws, scarcely, in the county—less than I have ever known. It is a remarkably orderly country.

Question. Were there a good many cases of insult to white women by blacks?

Answer. Yes, sir; I have heard of a number. There have been two cases of rape in the county since 1865.

Question. By black men upon white girls?

Answer. Yes, sir. At our court-house last June, just before the county was declared in insurrection, there was a man convicted of a most outrageous rape on a girl about twelve years of age.

Question. Where did that occur?

Answer. Within two and a half miles of the town of Graham. A little girl had been sent to the store as a messenger, and the boy waylaid her on her return and violated her. I was a juror at the court, but not on that jury; I heard the evidence.

Question. How old was he?

Answer. I suppose he was about eighteen or twenty.

Question. What was his name?

Answer. I do not recollect his name; he formerly belonged to Dr. Murray, I think.

Question. Did these acts beget in your county a feeling of apprehension on the part of fathers and mothers of white girls about?

Answer. Yes, sir, there was great apprehension on the part of our ladies; they were afraid to go out without protectors, even in the country.

Question. In the day-time?

Answer. In the day-time.

Question. Was that pretty general in the country?

Answer. There was a great deal of feeling soon after the negroes were liberated. There were strolling about, without employment, a great many strange negroes. It is not the case now.

Question. There is a better condition of things now?

Answer. Yes, sir.

Question. You were asked about the formation of these political societies, the White Brotherhood, or whatever they may be called, and you say your first knowledge of them was when these confessions were made by different people; do you understand now that all these are broken up?

Answer. Yes, sir; I do not think there is any such organization there now.

Question. Is that the general impression among the people of the county?

Answer. Yes, sir.

Question. Do you know William R. Albright?

Answer. Yes, sir.

Question. How long have you known him?

Answer. From his boyhood.

Question. Do you remember whether he was put in the lunatic asylum about a year and a half ago?

Answer. He was.

Question. How long did he stay there?

Answer. I do not recollect; some six months or more.

Question. Was his mind a good deal disordered before he went in?

Answer. Yes, sir, it was so; I saw him a few times.

Question. Is his reputation that of a violent man in the community?

Answer. He is a very violent, overbearing man.

Question. Do you know whether he said he was commissioned brigadier general by Governor Holden during the time Kirk was there with his militia?

Answer. I have heard one or two persons say he said so in their presence. I have seen papers signed by him as brigadier general, and I was satisfied it was his signature.

Question. What was the character of these papers; what did they purport to be?

Answer. I think one was an order to report to him, under pain of arrest. It was issued, I think, to a brother of his; and the other was a sort of parole for him after he had reported.

Question. Was there any order exempting them from arrest by permission of Kirk?

Answer. I think that second note I saw was a paper exempting him from arrest.

Question. Was Albright a strong partisan of Governor Holden?

Answer. Very, indeed.

Question. Was he understood to represent Governor Holden in that part of the country as chief representative?

Answer. Yes, sir; while these arrests were making, while Kirk was there, he was regarded as having control of things. A great many persons went to Albright who had belonged to the organization, and it was understood that he had power to release any one from arrest.

Question. That he had control over Kirk and his officers?

Answer. Yes, sir.

Question. Was it understood by the people that the prisoners taken by Kirk were to be tried by military commission?

Answer. Yes, sir; it was so understood.

Question. Was it announced that Albright was to be on that commission?

Answer. It was understood through the country that he was.

Question. That they were not to be tried in the law courts but by military commission?

Answer. That was the general impression.

Question. Did that produce a good deal of terror and alarm among the people?

Answer. Yes, sir.

Question. Do you know whether Kirk at any time had threatened to shoot his prisoners in case attacks were made on him by any of their friends armed?

Answer. I have heard of such things.

By the CHAIRMAN:

Question. Mr. Albright is a very decided, positive man?

Answer. Yes, sir.

Question. Expresses his opinions very freely?

Answer. Yes, sir.

Question. Is he not a man of good character in the community?

Answer. No, sir.

Question. In what is it bad?

Answer. He is a violent, overbearing man in his manners.

Question. You consider him a tyrannical man?

Answer. Yes, sir.

Question. Is he considered an honest man in his dealings?

Answer. Well, he does not stand very fair.

Question. Does the objection to him grow out of the fact that he is a very decided, open republican?

Answer. No, sir; not on account of his politics.

Question. Has he ever been charged with any offense in your courts?

Answer. I do not recollect that he has.

Question. He pays his debts?

Answer. Yes, sir.

Question. In what respect is his character bad?

Answer. I do not know that he is regarded as a dishonest man, but he is regarded as a man rather unscrupulous—would do anything to carry his point.

Question. Was he elected mayor of Graham?

Answer. I think so.

Question. How long ago?

Answer. Two years ago, I think.

WASHINGTON, D. C., February 23, 1871.

CASWELL HOLT (colored) sworn and examined.

By the CHAIRMAN:

Question. Where do you live?*Answer.* In Graham, Alamance County, North Carolina.*Question.* How long have you lived there?*Answer.* I have been living in Graham something over twelve months. I was raised about seven miles from there, and have lived there, in that county, all my life?*Question.* What do you follow for a living?*Answer.* Just working about. I am now driving a team for a man named Hargison. Before I was shot by the Ku-Klux, I was cropping for a man about two or three miles from Graham—farming for him.*Question.* Were you formerly a slave?*Answer.* Yes, sir. Squire Holt raised me. I was born on his place, and raised by him.*Question.* Were you visited at any time by the Ku-Klux?*Answer.* Yes, sir.*Question.* When was it, and what did they do to you?*Answer.* I could not tell exactly the time; it was in the fall season of the year.

By Mr. BAYARD:

Question. Was it one or two years ago?*Answer.* The last time I was shot, about two weeks before Christmas—a year ago.

By the CHAIRMAN:

Question. When did they visit you the first time?*Answer.* Well, there was about a year's difference between the times.*Question.* You say they shot you a year ago last Christmas?*Answer.* Yes, sir; about two weeks before Christmas.*Question.* And you were hurt by them a year before that?*Answer.* Yes, sir; it was in the fall of the year; I was just done getting up the corn and cribbing it.*Question.* Tell us what occurred.*Answer.* I was working for a man named Colonel Jerry Holt—cropping for him. I had three or four boys working with me; we tended his whole crop. He had given one of the boys a pair of chickens. He was a mighty hand himself—Colonel Jerry was—to raise game chickens, and he gave one of the boys a pair of chickens to raise from for himself. I generally let the boys stay at his house, as he had no servants staying with him, and he wanted them to stay with him, so that if anything happened during the night there would be some one to send off for the doctor or anything. They went home with me one night and staid there a while. I had just laid down, and said to the boys that they had better take the dog and go around by the end of the house home. They had been gone may be five or ten minutes, when I heard something go tramping about the house; I thought at first the boys had got scared and come back. They banged against the door. I said "Hallo!" Some one outside said "Hallo! Is that you, Caswell?" I said "Yes." By that time I was up in bed. They opened the door and came in, and one of them said "Come out here." They kept grabbing at me while I was in bed, but I didn't look for them to hurt me. They then grabbed me by the arms and pulled me out of doors and commenced choking me. I said, "Look here! don't choke me." I didn't think then they were going to hurt me. One of them gave me a lick in the eye with something, and liked to have knocked it out. They then tied my hands with a cord they cut off my bed. One of them said to me, (only one of them talked any,) "Now, do you recollect anything about any chickens?" I said, "No; I don't recollect anything about any chickens, only my own; I have plenty of chickens of my own." He then said, "Do you recollect anything about any wheat or corn?" I said, "I don't recollect anything about that; I have got plenty of wheat and corn of my own; I have no great deal of wheat, but I have plenty of corn." I had then forty-two and a half barrels of corn I had raised that year, to my share. "Come along here," he said. They took me then about three hundred yards into the woods; I lived right in the edge of the woods. They got me out where there was a tree that had a limb that run straight out; and the same one said to me, "Do you know how near your time is now?" I said, "No, sir; I have no idea anything about it." He said, "This is your last moment." I said, "Well, I can't help it." "Have you anything you want to say?" said he. I said, "No, sir; I have nothing I want to say here." He said, "You can't say it anywhere else." I said, "Well, I can't help it." Then one of them got up in the tree, and the rope that was around my hands was thrown up over the limb, and one of them said, "Draw him up." And they drew me up till—well, they just tip-toed me, and let me stay so for a while. They then let me down and said, "Now do you recollect anything about any chickens?" I said, "No, I don't."

He stood and talked with me a while, and then said, "Well, draw him up again." There was still a man up there on the limb. The moon shone just as bright as day. There were sixteen of them there in line before me. They drew me up again, th-tord me, and then let me down. "Now do you recollect anything about it?" I told them, "No, I don't; just like I told you at first. I don't know anything about it and I can't tell you anything about it." He said, "Sit down here;" just so, he said "It has got to come." My hands were tied, and when I sat down they put my hands over my knees and put a stick through.

By Mr. NYE:

Question. They bucked you?

Answer. Yes, sir; they bucked me; and then this man who talked said, "Form a line;" and they formed a line, and all marched along and gave me three licks a piece.

Question. With what?

Answer. With sticks, switches. I then got up. He then said, "Now, do you recollect anything about it?" I said, "No; I told you I didn't; I know nothing about it, and I can't tell you anything about it." Then that one jumped up into the tree again, "Draw him up here again." And they drew me up again; just stretched me up; and then they took the stick, one hold of each end of it, and rubbed it up and down my back.

Question. Did they draw you up bucked?

Answer. No, sir; they pulled the stick out, and then took the stick they bucked me with and drew it up and down my back while I was stretched up there. They then let me down. "Do you recollect anything about it now?" I said, "No, I don't." He said, "I give you ten days to leave the country." I said, "Very good; I haven't done anything to leave the country for; if I have done anything, please tell me, and I will acknowledge and own that I have done it." He said, "You are to leave the country." I said, "Very good." "Who are you going to tell this to?" says he. I said, "I don't know that I shall tell it to any person." He said, "You don't know that you shall." I said, "No; I don't know that I shall tell it to anybody." He said, "Damn you, will you swear that you won't tell it?" I said, "Yes, I reckon I will swear it." He said, "Now, put off from here." When I got off a little ways, one got after me, and gave me three licks, and said, "Damn you, run." I could hardly run to save my life.

By the CHAIRMAN:

Question. Were these men disguised?

Answer. Yes, sir.

Question. How?

Answer. They all had long white robes on, all of them, loose gowns, and caps on their heads with three horns. I went on to my house; my wife said, "What did they do to you?" I said, "Don't talk to me; they pretty nigh killed me." She kept on at me, and asked me what they said and did to me. At last she said, "Must I go down to the house for Mr. Holt?" I told her, "Yes, you may go down there and tell him to come up; I want to see him." I could neither sit, lie down, nor stand; I was up and down all night, trying to get some ease some way.

Question. To what extent was your back injured?

Answer. It was cut all to pieces; and my wife pulled a splinter out of me here [putting his hand on his right hip] as long as my finger, from one of the sticks they hit me with.

Question. Was your back bruised and bleeding?

Answer. Yes, sir; I wout out there the next day and saw where the blood had run on the ground where I was sitting down. Col. Jerry Holt, the man I was cropping for, came up, and said, "What's the matter, Caswell?" I said, "A parcel of men came here just now, and pretty nigh beat me to death." "Humph!" said he, "what did they say?" I told him they questioned me about wheat and corn. He said, "You've no need for any wheat and corn; you have plenty of your own." I said, "That is what I know. Do you know anything, Mr. Holt, of any wheat or corn stole in the neighborhood anywhere?" He said, "Yes; my son George has missed some wheat and corn." I said, "That is the corn and wheat I've been beat about to-night." He said, "No; George never has accused anybody of it; and we all know that you have no need of taking anybody's wheat and corn; you have plenty of your own; I don't know why you should say you were beat about George's wheat and corn." I said, "I know of no other that is missing about here; do you?" He said, "No." I said, "That must be the wheat and corn I was questioned about." He said, "No; I reckon it isn't." My wife said, "It's nothing but our neighborhood people here who have done this; they have just got a spite against him." Col. Jerry Holt's daughter, who was there, said, "You oughtn't to say that, Amy;" my wife is named Amy; "these people we have been reading of for the last year or two away off have come here to-night and beat Cas; maybe they have come a thousand miles." My wife told her there was no use talking about a thousand miles; that no people a thousand miles off would come that

far to beat me. She said, "It is just people going about for that business." I kept my bed for three or four days; I couldn't do anything at all.

Question. Did you know any of the men who whipped you?

Answer. I am satisfied that a man by the name of Daniel Anthony and two of his sons were there; the rest of them I didn't know.

Question. How could you tell them?

Answer. By their movements, and the size of the men. I had always been knowing them all my life; lived right in the neighborhood with them.

Question. Did they speak any?

Answer. No, sir; only one spoke; he was a great, portly, fat, fleshy man. The rest of them never said a word.

Question. Did you make any charge against these men you thought you know?

Answer. Yes, sir; I had them up before a magistrate.

By Mr. DAYARD:

Question. How many of them?

Answer. I believe I had up some twelve of them. This same George Rogers, who was down here the other week, and Henry Albright were among them.

Question. Before what justice?

Answer. Peter Harlen; and Lawyer Badham was the lawyer.

Question. How did they get clear?

Answer. They swore themselves out, you know; they were guilty of it, but they swore themselves out, just like they are doing at this day and time.

By the CHAIRMAN:

Question. Did you ever tell this story to your old master, Squire Holt?

Answer. Yes, sir; I told him the same story. When I got so I could walk I started down to see Colonel Jerry Holt, and find out what he thought I had better do. They said I was to leave the county in ten days, and I wanted to get his advice as to what I had better do. He said that he thought maybe I had better go away anyhow for a few days; just leave my family there, and go away myself for a few days. My father had a horse. He lived about a mile off, on another place. I sent down and got my father's horse, and rode over to my old master's, about four miles from where I was living then.

Question. Over to Mr. Edwin Holt's place?

Answer. Yes, sir. I talked with him about it. He asked me some questions about it, and told me that the less I said about it the better; that I would find out more by saying nothing about it, and not trying to have them arrested, than I would by undertaking to have them arrested. It was a new thing there; about the first outrage that was committed in Alamance. He said to me, "Cas., these things have been raging in the Northern States for years; they are something mysterious; something that we people can't understand; it is a sort of resurrection; that's what it is, Cas." I said, "Yes, sir; but look here, master, you have been my master; you raised me from a child." He said, "Yes, I raised you, Cas., and I respect you as one of my own children." I said, "Well, do you suppose that the Almighty has given the dead power to rise now and go about beating people, and mummicking them all up in that way?" He said, "It is something we can't understand, Cas.; something that has been existing for some time, and we can't understand it." I said, "Well, I can tell you this: you read the Bible, and I can't; but I tell you, if the Almighty has given the dead power to rise at this day and beat people who are living, the next time they come to my house there will be two of us there in the morning; for I will kill one if I can, and if I do he will not come there any more till God does raise him right." He said, "Good evening;" and that is the last he and I said about it. Well, it went on for about twelve months; until about two weeks before Christmas, a year ago.

Question. Had you left your place then?

Answer. No, sir; I had got a house to go to. The man I was cropping for said that there was no use my leaving the county, as they told me to.

Question. Had you had anything to do with taking chickens and corn and wheat?

Answer. No, sir; I had plenty of my own.

Question. Had any charge ever been made against you before?

Answer. No, sir. I can't tell the whole case. The man I was cropping for, Colonel Jerry Holt, asked me before election came on how I was going to vote, and told me how to vote.

Question. How did he tell you to vote?

Answer. He told me to vote the democratic ticket. I went to the election, and at night, when I came home, he said, "Cas., were you at the election to-day?" I said, "Yes, sir." He said, "How did you vote?" I told him I didn't know how I voted. He said, "You can't make me believe that; you are no fool." I said, "I can't read; I don't know how I voted." He said, "Who gave you the ticket you voted?" I said, "A black man gave it to me." He said, "You know how you voted; you voted the radical ticket." I said, "I don't know how I voted; I might have voted the radical

ficket; I don't know." He said, "I've no further use for you; I told you before this election came on that no man should live on my land who voted against my interest, and tried to give my land and property away; you can't live on it any longer; I've no further use for you." I said, "Very good; whenever you are tired of me, I am tired of you; I would like to live with you, but whenever you are tired of me, I am tired of you." It went on that way, and it didn't get any better. I was going away, but he told me that as I had started in with the next crop I had better stay there, for he would give me as good a chance as anybody else. I said, "I know that, and I would like to live with you, if we can live in peace and agreeable together; but if we don't, I don't want to live with you."

Question. Now go on and tell us about the time when you were visited again.

Answer. It went on in that way until the crop was gathered again; it was about two weeks before Christmas. I had done gathered the crop, and sowed a little wheat on the place. I was going to move the next week. I would have left the week before they shot me, but there was a little road they wanted to cut out from Gun Creek to Company Shops, and I went there on Saturday and worked on that. I had been chopping very hard, and came home that night and laid down on the bed. The boys were all up there that night. The dog broke out after I laid down. There was a hole in the walls of the house; it was a log house; and the boys peeped out and said, "Here, pap, the Ku-Klux are all around the house." I said, "They are?" They said, "Yes." By this time they were at the door, and said, "Open the door." They struck against the door with a stick, or something—bang against the door. I said, "No, sir; I don't open my door for no man, unless he tells me who he is and what he wants." He said, "God damn you, open the door." I thought when he come that way, he wouldn't get me to open it, sure. I said, "No, sir." He said, "Strike a light before you open it." I said, "I've nothing to make a light of, and if I had I wouldn't do it, and I won't open the door." I then went to the door; it was a little thin poplar door, about three-quarter inch plank. I stood at the door. My biggest boy was standing a little piece off from me. There was an axe sitting there, and I picked it up and went to reach it to him, so that if they should break in we would hurt some of them before they did too much mischief. I had a bowie-knife in my hand, standing there at the door. I was standing there as close as I am now to this table. They said, "Open the door." I said I shouldn't do it. Then one said, "Blow his brains out." Just as he said that they all fired through the door, just red-hot, just flaming red when they came through. I didn't think it was but one crack; but they said they shot a half a dozen times or more. I clapped my hand on here [placing his hand on his breast] and said, "There, they've shot me." My boy know where there were some loose planks in the floor. He jerked up two of them, and they all run through under the house—all the biggest of them; all but the three little girls I had.

Question. How many children had you?

Answer. Nine.

Question. Were they all in the house?

Answer. Yes, sir; and my wife and the biggest of the children run in there under the floor. They took rails and punched the door into splinters, and came in. They said, when they come in, "O, yes; God damn your old soul; if you had opened the door before you wouldn't have been shot." I said, "I didn't open it, then." They said, "Yes, you're shot; hush that groaning." I said, "I can't stop the groaning." They struck up a light. I was lying on the floor flat on my back, and had the knife in my hand. They said, "What are you doing with that knife?" I said, "I had it." They said, "Yes; God damn you; you're shot, too; you said you wasn't afraid of all the Ku-Klux in the county." I said, "No; I didn't say that; you heard it from somebody else." They said, "Are you afraid of them now?" I said, "I don't know anything about them." He said, "Do you know me?" I said, "No; I don't know anything about you." He said, "Where's all them boys you had here?" I said, "I don't know where they are; they were here a few minutes ago." He said, "Where are the guns and pistols and everything you've got here?" I said, "They ain't here, because I haven't got 'em, and never had 'em." He said, "You're a liar; you have some guns here." I said, "Yes, a couple of old guns." He said, "Where are they?" I said, "They're sitting here somewhere; you can find 'em if you look for 'em." They took them out and broke them all to pieces, and then said, "Throw these things out and set it afire; we will make them get out of here." The little girls were hollering and screaming, and they fell to whipping 'em. One of them said, "Let 'em alone; don't abuse 'em." And another said, "Don't put any fire in the house, but throw the things out." They then throw out one bed, broke my looking-glass and wheel, and everything else, pretty near. Another said, "Come, George, we must make quick time here." And as soon as they said that, they were all gone, and I haven't seen them since.

Question. How many of them were there?

Answer. I don't know; the house was full. Some people, who said they saw them coming there that night, said there were about fifty of them.

Question. Were they disguised?

Answer. Yes, sir; the same way as the first were.

Question. Did they tell you why they did this to you?

Answer. Never said anything about it; only said that I had said I was not afraid of every Ku-Klux in the county.

Question. Did more than one speak at that time?

Answer. No, sir; only one did the talking.

Question. Did you recognize any of them?

Answer. No, sir; couldn't tell anything about any of them that shot me.

Question. What time in the night was this?

Answer. About eight or nine o'clock, I reckon—about the time they generally come.

Question. Does your house stand by itself?

Answer. Yes, sir; up in the edge of the woods, about a quarter of a mile from Colonel Holt's house.

Question. What occurred afterward?

Answer. The next morning I sent for the doctor to come and take out the balls—Dr. Montgomery. He came and took out the balls, and told them they had better move me to Graham, if I was to be moved, or else they wouldn't move me at all. That evening they carried me to Graham, and got me there just at night.

Question. How many balls did they fire into you?

Answer. [The witness indicated where he had been shot—in both arms and in his chest.] There were five balls and two shot.

By Mr. BAYARD:

Question. Bird shot?

Answer. Yes, sir.

By the CHAIRMAN:

Question. When you say "balls," do you mean bullets?

Answer. Yes, sir. The doctor took them out the next morning.

Question. How long were you confined to the house by those injuries?

Answer. I was confined to the house from that time until away into April, I reckon—till corn-planting time again. I was not able to do anything at all; then a while after they were done planting corn, I could creep about a little. The doctor said I never would be any good again; but then I got up again.

Question. How has it affected your health and strength?

Answer. It has affected my health and strength very much. I used to be as stout as any man you ever saw. I never had a spell of sickness before that.

Question. What has been the effect of such proceedings upon the colored people of that county; do they feel safe?

Answer. They don't feel safe there at all, I can tell you that; and a great many of them have taken the notion to leave; they could hardly stay about there. They wanted to run them all off because the principal part of them voted the radical ticket.

By Mr. NYE:

Question. Wanted to run all off who voted the radical ticket?

Answer. Yes, sir.

Question. Did you hear that said?

Answer. Yes, sir; I heard it talked, and I saw them try it. They tried to turn me from voting the republican ticket; but I didn't turn, and that is what they shot me for, I reckon. That is the case every election that has been there. They have been trying to get us to vote the conservative ticket; some they would get to vote it, and some they wouldn't.

Question. Were those that would not vote the conservative ticket the ones that had these outrages committed on them?

Answer. Yes, sir. You never saw one bothered at all that voted the conservative ticket.

Question. Did you ever hear any speeches made by the conservatives, as they call themselves?

Answer. I have heard several made by them. I heard Mr. Turner speak, and others.

Question. Did Mr. Turner say anything to the blacks about voting?

Answer. Yes, sir. I heard him say one day, in a speech in the court-house at Graham, that a negro who voted the radical ticket should never live on his land.

By Mr. BAYARD:

Question. Josiah Turner?

Answer. Yes, sir; he said he had an old black man named Dick; that he was just as good to him as a father, but he said, "If Dick should ever vote the radical ticket, Dick should never eat my meat and bread; damned if Dick could ever eat my meat and bread."

Question. That was in a public speech?

Answer. Yes, sir.

By Mr. NYE:

Question. Did he say anything like this in his speech? "I told you what this would come to."

Answer. He was talking about these secret organizations, and said, "They talk about the Ku-Klux; the niggers have secret leagues, and why not we have secret Ku-Klux?"

By the CHAIRMAN:

Question. Did he refer to anything that had been done by the Ku-Klux?

Answer. No, sir; he didn't refer to anything that had been done by them, that I heard; that was what he said.

Question. Did he give any warning as to what would follow?

Answer. No, sir; I didn't understand more than what I have just told you.

Question. You say the colored people do not feel secure since these whippings have taken place?

Answer. No, sir; they don't. And a great many whites don't.

Question. What is the feeling now among the colored people there in regard to these Ku-Klux organizations; are they still afraid they will be interfered with by them?

Answer. Yes, sir; they are afraid yet; and a great many of them will not live out in the country at all, because they are afraid to stay anywhere out of town.

Question. Have you talked much with the colored people in that part of the country?

Answer. Yes, sir; I know a great many of them.

Question. What is the feeling among them generally, in regard to their safety?

Answer. Their general feeling is very bad, because they are scared; a great many of them would hardly go to the elections on that account.

Question. Of what were they afraid?

Answer. They were afraid that if they went to elections and voted, those who lived in the country, that they would go after them at night and beat them, and kill them, and hang them, or something of that sort.

Question. Were any of the colored people kept away at the last election by that fear?

Answer. Yes, sir; a great many of them were kept away by that; a great many where I live, that I know.

By Mr. BAYARD:

Question. You live in Alamance County?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Do you know of any case where colored men have inflicted wrongs, have whipped or beaten any other colored men for voting with the democrats?

Answer. No, sir; I don't. I have heard tell of a great many being whipped around there, but I don't know what they are whipped for; but for the same thing, I guess. A great many of them are whipped down there.

Question. When you say "for the same thing," what do you mean?

Answer. For voting the republican ticket.

Question. Are you a member of the Union League?

Answer. No, sir; I never joined any secret organization of any kind; league or anything else.

Question. Do you know what is the desire of the colored people there in regard to their political rights; is it simply to be let alone to do as they please about voting?

Answer. That is the way it ought to be; but then they always try and encourage them to vote on their side; both democrats and republicans, too.

Question. Both parties want to get their votes?

Answer. Yes, sir; both parties want to get their votes.

Question. I am asking what is the wish of the colored people themselves; do they wish to be let alone, so that they can vote as they please?

Answer. Yes, sir; that is generally the wish.

Question. Do you know of any cases in which they have tried to influence each other by threats of violence?

Answer. The colored people? I do not.

Question. What is your opinion about a colored man being able to vote the democratic ticket, if he wishes to do so, without being injured by his fellows?

Answer. My opinion is, just let every man vote as he wants to.

Question. If a colored man does vote the democratic ticket, is he in any danger from the other colored men?

Answer. No, sir; they talk a little to him when he first does it; but they just let him alone after that; let him go on. No, sir; he is in no danger from his own color about that.

Question. Have you known any of the persons engaged in the whipping either of a colored or white man there, to be tried and punished?

Answer. No, sir; I have not.

Question. Do you know anything of the three negroes who were tried in Alamance County and sent to the penitentiary?

Answer. Yes, sir; I know one of them mighty well.

Question. Is there any trouble in convicting a colored man, if he is guilty of stealing, burning, or anything of that kind, if there is evidence against him?

Answer. No trouble, if there is any evidence found against him, that I ever heard of.

Question. Do they attempt to shield each other from punishment?

Answer. No, sir.

Question. What is their feeling about that?

Answer. The feeling is just as down against it as any other men—those that don't indulge in such things as that.

Question. Were it not for these outrages committed at night by people in disguise, could there be peace and security in that county?

Answer. Yes, sir; I think there could.

Question. Have you heard the white men of both parties talk about this outrage?

Answer. Well, I have heard them talk about it—not much.

Question. Do they differ about how they look at it?

Answer. Yes, sir; they want to make believe that there is no such thing; that there is some dead persons that came out of the ground.

Question. Which party make you believe that?

Answer. The democratic party; they say they rise out of the graveyard.

Question. You have not been convinced yet that they rise from the graveyard?

Answer. No, sir; can't get convinced of it yet. They may come out of there, but then they don't come out of the grave, [laughing.]

Question. How old are you?

Answer. I am thirty-six.

Question. A married man?

Answer. Yes, sir; got nine children.

Question. Are you a cropper now?

Answer. I am not this year.

Question. Was any of your property taken at the time of this raid?

Answer. Nothing more than they broke my spinning wheel and reel, some dishes, glass, and some other things.

By Mr. BAYARD:

Question. You spoke of some colored men who were tried and convicted; was one of them named Paisley?

Answer. Yes, sir; Allen Paisley.

Question. What was he?

Answer. He pretended to be a preacher around there a while.

Question. Did you know him pretty well?

Answer. Yes, sir.

Question. What did he do?

Answer. He went to his uncle's house and asked him, "Did he have any ham?" He told him he didn't. Then he said he was a liar—he did have some. Then he says, "Have you got any money?" His uncle said he hadn't any ham nor any money. He told him he was a liar, that he would have it, and if he did not give it to him he would beat him. Then he fell in on him and they give him some.

Question. How many were in that party?

Answer. They brought three there at Graham the next evening, Sunday.

Question. How many were with the party?

Answer. This colored man said there was about twenty-five.

Question. Were they disguised?

Answer. All disguised. They didn't go right. They just had a shirt drawn outside of their pants, and old paper faces and sheepskins. They didn't understand it like the white men.

Question. This was a colored man they whipped?

Answer. Yes, sir; they whipped three colored men that same night.

Question. They were not well disguised?

Answer. No, sir. The way they caught them, one that they whipped was named Henderson Cobel, and they asked him if he had any money, and he said no. They told him he had. He said he had only one dollar in his pocket; he slipped that out and gave them the purse. That is all the money they got from him. He told me that himself.

Question. Who was the other man?

Answer. They whipped his own uncle, and one of his own uncle's sons.

Question. This clergyman did?

Answer. Yes, sir; he said he had been talking about him, and he wanted to whip him.

Question. Who were the other ones?

Answer. One was named Dick Thompson and one Oscar Cobell.

Question. Was there a pretty big gang of these men under Palsley?

Answer. They said there was about twenty-five when they opened the door, but there was not more than three or four came in the house. They had clubs, and just made them give right up.

Question. This Palsley was caught, put in jail and punished, and is now in the penitentiary?

Answer. Yes, sir.

Question. And the other two?

Answer. All in the penitentiary.

Question. They did not find out any of the rest of them?

Answer. No, sir. Some of them remarked to Allen that night before they went out, "Now you know we are not fixed to go out here this way," but Allen would raise up his club, and say, "Damn you, go on; don't you say nothing more. If you do, I'll man! you." "Well," says they, "you go on and see what you come to; you are going to be catched." I heard Allen tell this to his uncle.

Question. Had Allen been at this business for some time?

Answer. I do not know. I do not suppose he had. That was near about his first trip. They said, "We are going to be caught this night." Allen said, "If you ain't caught, and you tell this, and it goes out, and they catch me and don't take you, I've got a crowd in Graham that will kill you afterwards." I asked him all about it one day and he confessed it.

By the CHAIRMAN:

Question. Were you lying at Graham when Outlaw was hung?

Answer. Yes, sir; right in town. I was sick then—like to died the night he was hung.

Question. Did you know Outlaw?

Answer. Yes, sir; very well.

Question. What effect did that hanging have on the colored people in that county?

Answer. Well, sir, it had a great effect on the colored and white people—it like to scared everybody off. I was sick and like to die and I did not want to stay there; I wanted some one to carry me away.

Question. Have you any idea who any of the men were that whipped you the first time or shot you the second?

Answer. I have no idea of the men who shot me, because I was in too much misery to notice them at all.

Question. When you got information against the men that you believed you recognized, were you satisfied that they were the men?

Answer. The first time? Yes, sir; I was satisfied they were the men that whipped me.

Question. When that case came to be heard before the justice, did they bring witnesses to prove that they were not there at all?

Answer. No, sir; they did not prove they were not there, but they swore that they were not there that night. They did not have any witnesses no more than I did about it.

Question. You swore you believed so and so?

Answer. Yes, sir; just my belief.

Question. Was it possible to recognize men who were disguised in that way?

Answer. Well, I think it was; a man that had been raised pretty nigh could know them.

Question. You are satisfied in your own mind that those were the men?

Answer. Yes, sir.

Question. Did these men come on horseback?

Answer. No, sir; on foot; at least I did not see any on horses as far as they carried me.

Question. How many colored men have you heard of and known to be whipped in Alamance County within the last year?

Answer. Well, I do not know; there has been as many as five or six that I have heard of.

By Mr BAYARD:

Question. How many did you know personally, that you have seen, that were whipped?

Answer. I knew Munroe Freeman, Henderson Cobell, Joe Harvey, and Hamilton Brayham.

Question. How many of these were whipped by Palsley and his gang?

Answer. Henderson Cobell and Munroe Freeman, his own uncle, and then his uncle's son.

Question. That leaves two cases that you know, that were not whipped by Palfrey?

Answer. No, sir.

Question. Those are all the individual cases you know of?

Answer. That is all.

Question. You spoke of these three men in the party of sixteen who treated you so violently on the first night; they were all disguised?

Answer. Every one of them.

Question. When you went before the magistrate, Harden, what were you able to swear about the identity of these three men? They did not speak?

Answer. There was not but one spoke, and he had my hand all the time. I knew them from the motions and signs. I looked at them and I knew such movements.

Question. Were they large men?

Answer. Very portly men.

Question. Anything about their dress that attracted your eyes?

Answer. Nothing about their dress; only the movement.

Question. They were covered all over with that white dress?

Answer. Yes, sir.

Question. Mr. Harden, the magistrate, is a republican, is he not?

Answer. Yes, sir.

Question. He heard the testimony?

Answer. Yes, sir.

Question. Did he hold them to bail or discharge them?

Answer. He discharged them, and I paid Mr. Badham 10 bushels of corn to carry it on.

Question. The lawyer?

Answer. Yes, sir.

Question. Is he a conservative, or republican?

Answer. A republican.

Question. You paid him to appear there for you?

Answer. Yes, sir.

Question. Did he examine you as a witness?

Answer. Yes, sir.

WASHINGTON, D. C., February 24, 1871.

JOSIAH TURNER, JR., sworn and examined.

By Mr. NYE, (acting chairman):

Question. Where do you reside?

Answer. In Hillsboro, Orange County, North Carolina.

Question. What is your business?

Answer. For nearly thirty years I have been a member of the bar; my present business is editor of a newspaper.

Question. What paper?

Answer. The Raleigh Sentinel. I do not know but it is necessary for me to add that I spend much of my time with my family in Hillsboro, at home.

Question. Were you an officer of the confederate army?

Answer. Yes, sir; I was captain.

Question. Under whose command?

Answer. Colonel Spruenn.

Question. Were you a member of the confederate congress?

Answer. I was.

Question. Were you a candidate for the United States Congress?

Answer. I was elected to the United States Congress after the surrender.

Question. Is Hillsboro in Alamance County?

Answer. No, sir; it is in Orange County. Orange County was divided to make Alamance County.

Question. How near does Alamance County come to Hillsboro?

Answer. Within nine or ten miles.

Question. Are you thoroughly acquainted with that county?

Answer. Yes, sir; I was born and raised there, and I am well acquainted with the people of the county.

Question. Do you know most of the people of that vicinity personally?

Answer. Yes, sir; they all know me, I suppose, and I know many of them. I represented the county a good many years ago in the legislature, and have been a candidate often before them.

Question. You mean you represented them in the State legislature?

Answer. Yes, sir; I represented Alamance and then Orange County.

Question. Have you taken quite an active part in politics since the rebellion?

Answer. Yes, sir.

Question. On which side?

Answer. On the conservative side.

Question. How long since you heard of the organization of the Ku-Klux or White Brotherhood?

Answer. I never knew anything of it till the late trial before the courts; I had no knowledge of it, and none that the outrages were perpetrated.

Question. Outrages of what character?

Answer. Whipping and hanging.

Question. Shooting?

Answer. Shooting.

Question. About how long since you became aware that such an organization existed?

Answer. I had no knowledge of it until the trials last summer, before Chief Justice Pevsien, and after I was arrested by Kirk.

Question. From what you learned then and since, how long has that organization existed?

Answer. From the evidence of the witnesses?

Question. From such information as you have had from all sources?

Answer. That is the only information I have on the subject, from the witnesses at the trial last summer and through the confession of the parties. About 1868, I think, was the first date I remember of hearing of them. I was in court and heard their evidence and have read it since.

Question. Do you say that you never had any belief or information that such an organization existed before?

Answer. I never had the least information; never saw a man who told me or intimated to me that he belonged to it.

Question. About the time the transactions occurred were you not led to believe that some such organization existed?

Answer. I believe there were combinations or organizations, some of a political character—that was my opinion—and others of the character of vigilance committees, to punish larceny and offenses against the law.

Question. Prior to the investigation you edited this paper, did you not, and wrote articles about them, or caused them to be written; did you not publish in the Raleigh Sentinel articles in relation to that organization before the trial last summer?

Answer. I spoke in the paper of Ku-Klux and outrages.

Question. Did you call them Ku-Klux in your paper before?

Answer. Yes, sir; no doubt I did.

Question. Do you mean to say now that you spoke then without any belief or knowledge on the subject?

Answer. I had no knowledge in the world.

Question. What do you mean by knowledge?

Answer. Personal knowledge.

Question. I mean of transactions that were transpiring; did you not write about them before the trial and before your arrest?

Answer. Yes, sir; they were mentioned in my paper, but I had no knowledge personally of their existence till those witnesses were examined.

Question. You had a belief if you had no knowledge?

Answer. I believed there were organizations.

Question. And you believe that yet?

Answer. Yes, sir.

Question. And that they were organized some time in 1868?

Answer. Yes; that is the evidence.

Question. What was the character of the transaction of these organizations that you remember now; the Ku-Klux, as we call them, but otherwise called the White Brotherhood, the Constitutional Union Guards, and Invisible Empire?

Answer. I know nothing in the world of them, except through the evidence of these persons. I learned from them that some of them were political and others were vigilance committees that went about whipping white and black people for stealing and other crimes.

Question. Did you ever hear of their whipping anybody who had not been guilty of any crimes?

Answer. Did you ask if I heard or know of it?

Question. If you heard of it.

Answer. Yes, I believe they whipped some persons who were not guilty of any breaches of the criminal law. I know in my county they whipped a man—a democrat. He came afterwards to me and gave me an account of it. He said he had voted the ticket and was a good democrat, and he said they whipped him because he would not work to support his family; I know, also, that they whipped one of the governor's detectives in my county.

Question. Who was that?

Answer. William Husky.

Question. Do you know of any other facts?

Answer. They whipped Husky, as he alleged, and told me he had been indicted the

year before for stealing; he confessed his guilt in court, paid the costs, and quit. He was appointed afterward a detective by the governor, and he was boasting that he got one thousand dollars a year. His account of it was that they whipped him because he was active as a detective.

Question. Do you know what his politics were?

Answer. I do not remember.

Question. He would not have been very likely to have been a democrat, being employed by the governor?

Answer. Some democrats take such service under the Government as detectives; some who vote and claim to be democrats. There was one I know who was in my office six months.

Question. Were they whipped for that?

Answer. He visited my office every day and was a good democrat, but he was in the pay of the governor.

Question. Was he whipped?

Answer. No, sir; not at all.

Question. Was this man's name Husky?

Answer. No; this was a man named Parker.

Question. Was Husky whipped because he voted the democratic ticket?

Answer. His account to me, I think, was (he talked about it himself) that he was whipped because he was a rogue and spy of the governor.

Question. Because he was a detective?

Answer. Yes, and a rogue.

Question. To what extent was he whipped?

Answer. I never understood whether it was severe or not.

Question. Have you heard of any other case?

Answer. Do you speak of my own county?

Question. Any county.

Answer. Oh, yes; I heard, but I do not remember the names of persons being whipped; quite a number of them.

Question. Is that all the outrages that took place in your county?

Answer. Oh, no; there were four men hung, I think, and one shot.

Question. At what place?

Answer. In Orange County.

Question. How far from your town?

Answer. About ten miles, and one about eighteen miles, and another about six or seven miles.

Question. Who was the man that was shot?

Answer. I do not remember the name; it was a negro.

Question. Was it Casswell Holt?

Answer. No, that was in Alamance county. Mr. Laws, clerk of the court, gave the names. I do not remember the names; there were four or five of them.

Question. Have you mentioned all the outrages that you heard of in your own county?

Answer. In the county of Orange there were four men hung, one shot, and five whipped. I do not remember of any other.

By Mr. BLAIR:

Question. What were these four men hung for?

Answer. For burning barns.

Question. Were they negroes?

Answer. Yes. Three of them were hung for burning barns. They burned three barns just after they put in the grain. The barns, mules, horses, and grain, were all consumed.

By Mr. NYE:

Question. Were they tried by any court?

Answer. No, sir; they were arrested, two of them, and put in jail.

Question. Was the jail broken open?

Answer. Yes; a party of disguised men came to the jail and took out these two men. They shot one and turned the other loose, and he went back to the jail. Then, some two or three weeks after that, they hung two or three others who had been engaged in barn-burning. One of them, eighteen miles from where I live, was hung for insulting a white lady. They came to the neighborhood through the woods. The negro met the young lady and made improper overtures to her.

Question. Were they both colored people?

Answer. No; it was a white lady.

By Mr. BLAIR:

Question. What was the nature of the offense?

Answer. He made a proposition to this lady, who knew him; he was not disguised.

He met her in the woods. He then told her that when the State fair was held there would be no men in the neighborhood, and he would have his way whether or no.

By Mr. NYE:

Question. How did you learn these facts; from her?

Answer. No, sir; from her near neighbors, and some of her kinsfolk. I have known them all my life. This negro was afterward hung.

Question. By these same disguised persons?

Answer. I do not know. There were four, as I understood the negro's account of it. *Question.* Did you understand that these persons who committed these outrages were disguised at the time they committed them?

Answer. Yes, I did. Part of my information I got from the jailer, and he got it from the father of the negro who was hung. The jailer's account was that four disguised men came up to his house.

Question. Is it a fact, from what you have learned up to this time, that these Ku-Kluxes were in the habit of doing these deeds in disguise?

Answer. Yes, I think so; I never heard of its being done except in disguise.

Question. From what you now know, were there bodies of men who went about and did these things in disguise?

Answer. Yes, sir.

Question. Do you know what that disguise was?

Answer. No, sir; I have understood sometimes it was a sheet thrown over them, and a mask of some kind.

Question. More than two years ago had you not good reason to believe, without positive knowledge, that this Ku-Klux existed?

Answer. Yes, I had every reason to believe that there were combinations of men that

Question. Did you know of their riding through your town, or hear of it?

Answer. I heard of it. I was in Raleigh at the time.

Question. What number did you hear rode through?

Answer. I do not remember; may be forty or fifty.

Question. Did they ride through in masks?

Answer. I do not know; I suppose they did.

Question. Were you told so?

Answer. I suppose they did; I have no doubt of it, in fact.

Question. How long ago was that?

Answer. It has been twelve months or more.

Question. As late as last spring was it denied in your paper that this order existed?

Answer. My associate wrote an article in which he denied that there was an organization of that kind—perhaps a political organization. I think he did write such an article.

Question. Was it not denied many times in your paper?

Answer. I do not remember but that single article, and I do not remember anything of the character of the article.

Question. Did that article use positive terms toward those who did it?

Answer. I do not know whether it did or not. I did not write the article, and I do not now remember the character of the denial. The Sentinel always denied that it was a conservative or democratic organization, or that they had anything to do with it. That was the denial, and I deny that now, so far as my knowledge extends. I do not believe they have anything to do with it.

Question. You heard some people testify, did you not, that they belonged to it?

Answer. Yes, sir.

Question. Were they conservatives or radicals?

Answer. They were conservatives.

Question. Did you ever hear a man, whom you know to be a republican, admit that he was a member of that order?

Answer. No, sir; last week, though, there were tried in the town of Raleigh quite a number of republicans for going masked and shooting and whipping a colored man. The evidence was that they were mostly republicans.

Question. Aside from that, do you not know that most of these people who belonged to that order were democrats or conservatives?

Answer. I think they were.

Question. Do you not think that any others were exceptions?

Answer. Yes, rather.

Question. Can you get the article that I have referred to?

Answer. I can send it from Raleigh.

Question. Through all this time has not the character of the articles that you have published yourself in regard to these outrages been excuses for or denials of their existence?

Answer. My paper has never excused any. I have denounced all of the outrages at all times, in my paper and in my speeches.

Question. Now, you are quite sure of that?

Answer. Yes, sir. Very often I was absent from home. I had an associate.

Question. I spoke of your paper?

Answer. I do not remember now of ever reading an article that either justified or excused them. I certainly never wrote one, but I was absent a great deal, and much of the writing was done by my associate.

Question. You say you never did in speaking or writing; did you, as we call it in the West, stump your State last spring?

Answer. There was no election, but I have made speeches over the State for the last year or two.

Question. Did you not say, at some place, to the negroes, "You see now what you get. I tell you this is but a beginning if you continue to vote the radical ticket," or words to that effect?

Answer. When; whereabouts?

Answer. Well, last spring, anywhere; I will call your attention particularly to it.

Answer. I do not remember, but the character of my speeches was always condemnatory of secret societies—Ku-Klux and leagues.

Question. That I did not ask. Did you not say to the negroes in a public speech, more than once, "You see now what you get; you are whipped and killed; didn't I tell you so if you voted the radical ticket?"

Answer. I never said that.

Question. Nothing to that import?

Answer. Never. I remember to have always illustrated in this way: that one secret society would beget another, and that Ku-Klux would beget leagues, and leagues would beget Ku-Klux; and always admonished both whites and blacks to quit their connection with secret societies.

Question. Did you not say at Graham last spring, in the court-house, in a speech addressing yourself to the negroes, "You see now what you have got for voting this radical ticket; it will be a great deal worse for you if you keep on;" or words to that effect?

Answer. I remember making a speech there, and said, not to the negroes, for I hardly ever made a speech to them, they were not apt to turn out and hear me; I was speaking to the white people, and I enumerated the outrages that had been perpetrated throughout the State by the leagues, and then I enumerated the outrages that had been perpetrated by the Ku-Klux, and I denounced both, and told them they were the result of secret societies, and that it would bring destruction to any country.

Question. That does not quite answer my question.

Answer. That was the purport of my speech.

Question. Did you not say, in Graham, "You see what you have got; didn't I tell you so if you continued to vote the radical ticket; what has been done is nothing to what will be done if you continue to do so;" or words to that effect?

Answer. No, sir; I did not tell them it came from radical voting, but that the result before us was the result of secret societies.

Question. Did you tell them that if they belonged to the Union League, and if they kept that up, what was beginning now would be worse hereafter?

Answer. I do not remember that I did.

Question. Do you remember that you did not?

Answer. I do not think I did. I do not think that was the character of my remarks. I would rather give it to you as I remember it.

Question. Is the speech published?

Answer. No, sir.

Question. Were you introduced to persons as a Ku-Klux before the trial last summer at Raleigh; did you not converse with persons that you were well satisfied were Ku-Klux before that trial?

Answer. Never with a man that I know; that I had any knowledge that he belonged to the Ku-Klux.

Question. Did you ever converse with James E. Boyd about it?

Answer. No, sir; I remember Mr. Boyd stated in his evidence, at Raleigh, that I took him aside to talk with him at a railroad meeting in Hillsboro. I am very sure I never took him aside for any such purpose, and I did not remember meeting him there until he mentioned it in court. I did talk to him, but I did not remember it until he alluded to it.

Question. Did you consult with and give any advice to any of these Ku-Klux?

Answer. Never in my life.

By Mr. BLAIR:

Question. Knowing them to be such?

Answer. Yes, sir; knowing them to be such.

By Mr. NYE:

Question. Did you say to Mr. Boyd that it would be better to let the Ku-Klux ride around a few nights before election?

Answer. No, sir. For the purpose of what?

Question. For the purpose of terrifying the colored people.

Answer. No, sir.

Question. What effect did these outrages have upon the public mind; were they calculated to intimidate the people?

Answer. The good men of the country regretted and denounced them.

Question. Were the good men apprehensive of the results?

Answer. How?

Question. Were they fearful or apprehensive of outrages to themselves?

Answer. Yes; the men of property and character regretted it because it would produce retaliation.

Question. Were you alarmed about it yourself?

Answer. I have been in constant dread of my property and life.

Question. From the Ku-Klux?

Answer. (A pause.) No, not from the Ku-Klux--O, no; mine came from the Loyal Leaguers--the radicals.

Question. You were not afraid of the Ku-Klux?

Answer. I had no reason to believe that they would injure me.

Question. Your apprehension was from the colored people?

Answer. Yes, sir.

Question. Why had you not as much fear of the Ku-Klux as anybody?

Answer. I do not know; I was apprehensive of no danger from them, because they were at war with the Union Leaguers. It was the burnings and assassinations of two secret societies. I did not belong to either.

Question. You took the side the Ku-Klux did?

Answer. I did no such thing.

Question. You said you did not know any but what were Ku-Klux, and I understood you to say you were acting with the conservatives or democrats?

Answer. Yes, sir.

Question. You were not apprehensive because you were acting on the same side with them politically?

Answer. I felt no apprehension of danger from the Ku-Klux.

Question. Did that arise from the fact that you politically entertained the same views that they did?

Answer. I should prefer to give the reason for it.

Question. You can answer my question. I asked you directly whether it was that you felt no apprehension from the fact that, politically speaking, you were acting on the same side with them.

Answer. I did not apprehend any danger from them, because it was two secret societies at war with each other--assassinating and burning. I had no affiliation with the Union Leaguers--none at all. I denounced both parties; both Ku-Klux and Union Leaguers.

By Mr. RICE:

Question. Why were you afraid of the Union Leaguers, if it was a war between the two?

Answer. Because they had fired on me, and attempted to assassinate me, and had gone in a mob to mob me once.

Question. Then it was more than a fight between two secret societies, because you did not belong to either.

Answer. No, I did not belong to either.

By Mr. NYE:

Question. Give us the names of the persons who fired on you.

Answer. I do not know them. My house was fired into. My wife was fired at through the window, when I was away from home, as she was stooping to pick up a cup.

Question. By whom?

Answer. I do not know. I have no doubt though--

Question. You do not know by whom?

Answer. I do not know by whom. I was not at home when the firing took place. I received a telegram to come home, and I found the marks of the bullets through the window and the powder in my wife's face. Her account of it was, that as she stooped over the table to pick up a cup, and as she moved her face back, a gun or pistol was fired within a foot of her head, or perhaps less distance, and she thinks she was saved simply by the motion of her head, as she raised the cup back. The marks of the bullets are on the house and of the powder on her face. The reason I thought the Union

Leaguers did it was, there were seven or eight negroes seen with arms about my house, in the woods near by and in the fields. The sheriff and his posse had chased them and fired at some of them, and the impression was that they had been brought there, perhaps from Caswell County, where Stevens was murdered, the next county to mine. The governor and his organ had charged that I was the king of the Ku-Klux, and was instigating murder and assassination, and my impression was that this party came from the adjoining county. One of them had just been turned out of jail, or broken jail, and had been pardoned by the governor. He had been sent to the penitentiary for 25 years, and was pardoned, and in six days afterward was committed to jail in my county for larceny. This man with others broke jail and were loose in the county, and I suppose it may have been some of that party.

Question. Is that the only reason why you suspected it was the Union Leaguers?

Answer. Yes, sir; that was my reason.

Question. Do you know that these persons that were seen were members of the Union League?

Answer. I know that some of them were.

Question. Who were they?

Answer. One was named Leadbetter.

Question. One that was in this party?

Answer. I do not think he was in the party. He had broken jail. I only mention eight or ten who were in the vicinity; I do not know the names. I suspected Leadbetter of being one. I suspected a negro who attempted to assassinate Dr. Montgomery; he escaped. He was a prominent leader in town, as I knew from the neighbors.

Question. How could you know but the Ku-Klux had fired upon your house?

Answer. Well, sir, I did not suppose it was the Ku-Klux; because they were in a bitter warfare with the president of the League, the governor who was denouncing me as the head of the Ku-Klux and promoter of assassinations, and I was denouncing him as a bad man.

Question. In your paper or your speeches did you admit and say that you gloried in the appellation he gave you, of being the king of the Ku-Klux?

Answer. Never in the world.

Question. What did you say about that?

Answer. Generally, if I spoke of it at all, it was that the governor or his organ dubs me the king of the Ku-Klux.

Question. Did you deny it?

Answer. Time and time again, I have denied it.

Question. Always?

Answer. (Emphatically.) Always and now.

Question. During the existence of this order, have you frequently had conversation, with the leading conservatives in that place, in regard to the order?

Answer. Yes, I have talked with Governor Graham, Mr. Nash, and others on the subject, for they lived in the same town with me.

Question. From what you have heard and what you believe now, was not the son-in-law of Governor Graham connected with the Ku-Klux in your town?

Answer. He has no son-in-law.

Question. Well, his son, then?

Answer. No, sir.

Question. Never heard that?

Answer. Never. On the contrary I have always heard to the contrary, and I have no reason to believe that any one of his sons had anything to do with them.

Question. Did you ever have a conversation with one H. C. Jones, State senator, about the Ku-Klux?

Answer. I do not remember ever to have had a conversation with him.

Question. Do you say that you have had none?

Answer. I think not. I do not remember ever to have had any conversation with him on the subject.

Question. Did H. C. Jones say to you that he was a member of the order?

Answer. No, sir.

Question. Did you inquire of him if he belonged to the order of Invisible Empire, or either of these orders?

Answer. I do not remember. I remember asking Mr. Jarvis, and Mr. Jones, perhaps—I do not know whether Mr. Jones was present—I remember asking Mr. Jarvis and one or two members of the legislature if they did belong to the order. I do not think I ever asked Mr. Jones that question.

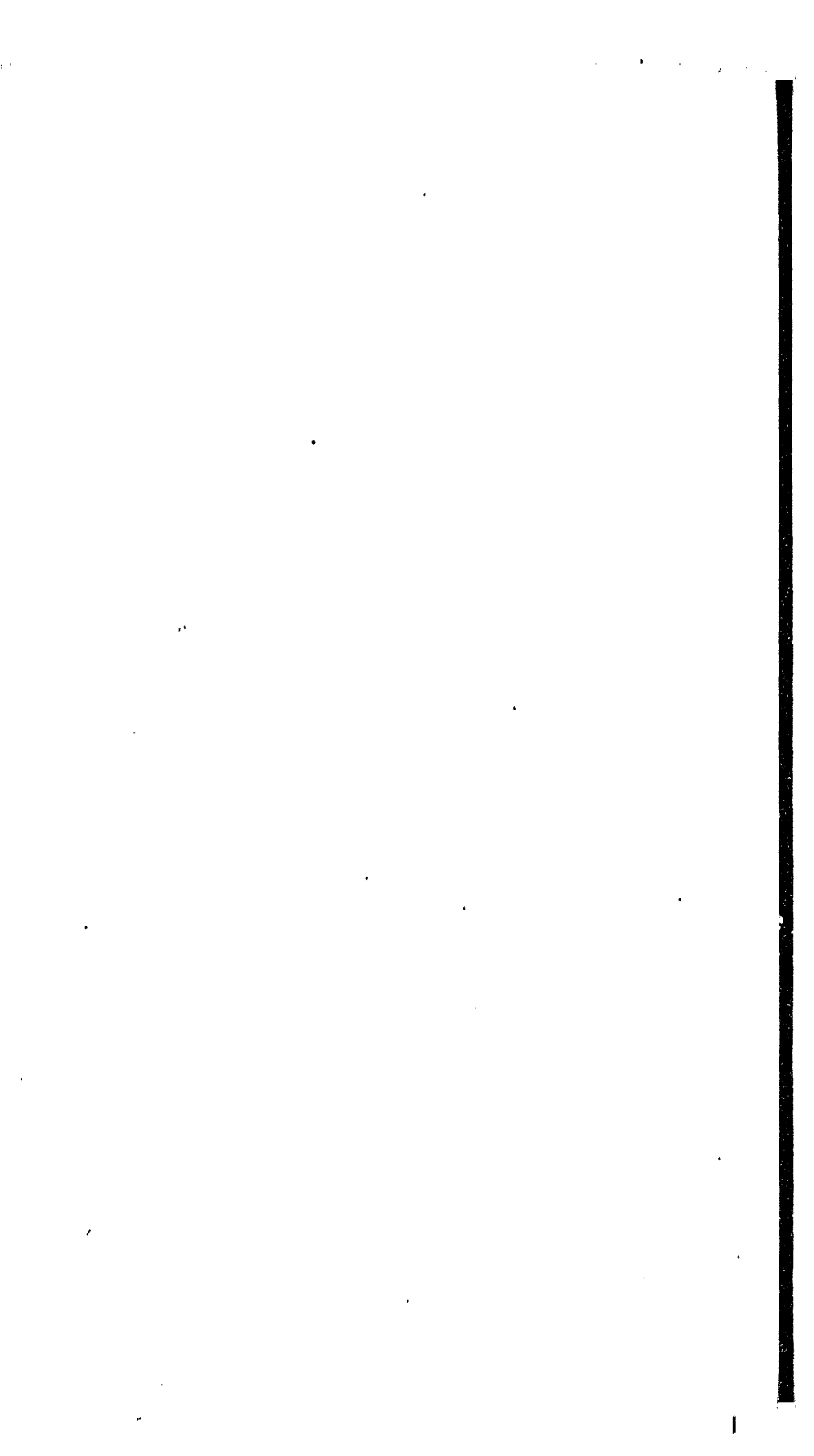
Question. I understood you to say that you did not talk with him.

Answer. No, sir; I do not remember ever to have talked with him on the subject.

Question. From what you know now of the order, do you believe that it has resolved itself, finally, from what is called a vigilance committee into a political organization?

Answer. I am not able to say.

Question. What is your best judgment about it?



to colored people, and then rose up and stated to Collis that if his purpose was a good one, to join with them in worship, he would be glad to see him; but if it was to force unpleasant issues on the congregation, it would be better for both parties that they had not come. Thereupon Collis and the negro woman got up and walked out of the church. Some six months after that Collis was whipped by disguised men, pretty severely.

Question. Was he a cripple?

Answer. I never saw him; I understood, though, that he was. Outlaw was taken out of his house and hung. There is a negro preacher, a republican, now in the penitentiary. I happened to be in the cars with him while they were taking him to the penitentiary. I asked him why they hung Outlaw, and he went on to give his reasons for it. He said that Outlaw was an active man in the League, and had shot at the Ku-Klux going through Graham. I asked him if he ever heard Outlaw say he had done it. He said, yes; that he shot at them, and would do it again. His account to me was that Outlaw was a prominent Leaguer, and had fired, some time before that, at the Ku-Klux, as they rode through Graham. Then there were other outrages. There was a negro drowned, or assassinated, and thrown into the mill-pond. There were others whipped, but I do not remember the names.

Question. Did you hear of these disguised men riding from one county to another; for instance, from your county into Alamance?

Answer. I heard of it in the evidence before Judge Pearson last summer; I never heard of it before.

Question. Did it appear in evidence that they rode into several counties and committed these depredations?

Answer. They rode from Orange, a portion of them to Alamance.

Question. And from Alamance to Orange?

Answer. I do not remember whether they rode from Alamance to Orange or not.

Question. Was Hillsboro, from what appeared in that evidence, the headquarters of the Ku-Klux?

Answer. Not that I know of.

Question. Did it not so appear; did they not say they got their orders from Hillsboro?

Answer. There was one witness stated that some of the orders went from Hillsboro; that is in the evidence before the court.

Question. Have you any belief whether it is true or not, from what you have learned since?

Answer. I know nothing in the world about it, except what appears in the evidence.

Question. Did you ever make any attempt at Camden Court-House to organize or send out to get the leaders of the Ku-Klux?

Answer. Never did; never was there but once; then I made a speech, staid three or four hours, and left.

Question. Did you appeal to the Ku-Klux there?

Answer. I do not suppose there was one there, and never heard of any in the county.

Question. Did you mention the fact, or anything about the Ku-Klux there?

Answer. I do not remember that I did. In my speech I gave them an account of the murders perpetrated through the country and the barn-burnings, but I did not know of a Ku-Klux in the county.

Question. Did you, on any stump or in your paper, denounce the Ku-Klux organization as such?

Answer. Yes, sir; always.

Question. At what time?

Answer. Whenever I spoke of them at all.

Question. Did you speak of them in your paper in denunciatory terms?

Answer. I did.

Question. When?

Answer. When they hung the negro in my county for insulting this young lady.

Question. What did you say then?

Answer. I do not remember; I simply denounced it as an outrage.

Question. As an outrage of the Ku-Klux?

Answer. I do not remember now in what way; I dare say I did.

Question. Have you ever, and, if so, when, in your paper denounced the Ku-Klux as an organization?

Answer. Always.

Question. Did you ever assume in your paper that such an order existed?

Answer. Did exist?

Question. Did you ever admit in your paper that such an order existed?

Answer. I think I have.

Question. When?

Answer. I do not remember now the dates.

Question. Was it before or since the trial?

Answer. It was before the trial.

Question. How long before?

Answer. Well, several months; I do not remember the time. My associate never believed that there was really such an organization; that is the reason some articles appeared in the "Sentinel."

Question. Who is the controlling editor of the paper?

Answer. I am; but was from home very often two or three weeks and a month, during which time it was entirely controlled by him, and I did not see the articles written by him.

Question. Who is your associate?

Answer. James H. Moore.

Question. Did you, in the summer elections, visit various counties, and address the democrats?

Answer. Yes, sir; as I stated before, I have been making speeches for two years past.

Question. Did you in any of those counties say that the Ku-Klux were operating, and the election would be influenced greatly thereby?

Answer. I do not remember ever having said so.

Question. Do you say you did not?

Answer. Yes, I think-----

Question. At no place or at any time?

Answer. Not that I remember.

Question. Did you in your speeches advise democrats of the best way to keep the negroes from voting?

Answer. Before the act passed I made some public speeches, in which I gave an account of my farming with the freedmen, and said that they had destroyed my horses, stock, sheep, and hogs, and that they were so busy in the League meetings that they forgot to make anything; that they did not work; and that those who worked with me hereafter had to vote with me.

Question. Did you not advise that as a system of operations to your fellow-democrats?

Answer. No, sir; I made it in a speech in my town, but I repeated it in one or two speeches.

Question. Was that intended to convey to your hearers the idea that if they hired the negroes they must vote as they told them?

Answer. It was intended exactly as I stated; I would give my experience to them, that the negroes were so busy running to the League meetings at night and neglecting their work, that I would have none with me hereafter that did not vote with me; that is what I stated.

Question. You say it now; that is your theory and practice now?

Answer. No, sir; it is not my practice; I never practiced it.

Question. What did you mean?

Answer. I stated that in my speech, but I did not have to practice it at all. At the second election after that they all voted for the radical ticket; in the last election they all staid at home--there were only three of them--or voted the democratic ticket, as I understand. I had nothing to do with them, however, about it.

Question. Did you advise the democrats in this way that if they could not make them vote the democratic ticket by staying away themselves, they could keep a dozen of them away who would vote the republican ticket?

Answer. I do not remember any advice of that kind, except, as I stated to you, in my speech.

Question. Did you not recommend that as party tactics?

Answer. No, sir; all I said about it was what I had done and what I would do.

Question. Was that for the object of influencing others to pursue your tactics?

Answer. It might, or might not do it.

Question. Was that the object of stating it?

Answer. Yes; that was my object in stating it.

Question. You said something about Holden being at the head of the Union League. How is that; do you know it to be so, or otherwise, than by report?

Answer. Yes; I saw a charter with his name organizing a League in Rowan County. I know his handwriting, and could swear to it.

Question. You charged him with being the head of the Union League, in your paper, did you not?

Answer. Yes; and charged him with being the president.

Question. And in your speeches?

Answer. Yes, sir.

Question. And he charged you with being the king of the Ku-Klux?

Answer. Yes, sir.

Question. Did you give testimony in the present impeachment trial of Governor Holden?

Answer. Yes, sir; I have been a witness.

Question. Did you make use of this language, or anything like it: That Kirk's men

called you, the witness, king of the Ku-Klux, and you thanked them that they did you that honor?

Answer. No, sir; I did not use any such expression. The reporter has put in the words "and thus honored him." I did not say that.

Question. How came the reporter to put that in?

Answer. The reporter said Kirk's men called me king of the Ku-Klux, and thus honored me.

Question. Did you say that they thus honored you?

Answer. No, sir; I did not say that.

Question. Are you thus reported?

Answer. Yes, it is in the newspaper; but I venture to say you will not find it in the stenographer's report.

Question. Will you find it thus in your paper?

Answer. Yes, sir; I seldom look at the reports, and do not see them till they are published.

Question. Have you ever denied that you said so, in your paper?

Answer. I have never taken any notice of it at all. I told the reporter it was not so.

Question. How long before you saw it in the paper?

Answer. The next day.

Question. Published in your own paper, by your own reporter?

Answer. Yes, sir.

Question. And you have never denied it through your paper?

Answer. No, sir.

Question. Were the words "and thus honored you" put in the form of an interrogatory to you by the counsel?

Answer. No, sir; they asked me if I remembered so and so, and the reporter, after giving my answer, put in the words "and thus honored him." I did not make any such remark.

Question. What follows that?

Answer. That seems to be the end of a sentence, as well as I remember it.

Question. Did you, repeatedly, last spring and summer, propose to Governor Holden, through your paper, to disband the Leagues and the king of the Ku-Klux would disband theirs?

Answer. No, sir; I never said they would do so. I called repeatedly upon Governor Holden—

Question. I want your particular attention to the question, and I would like a direct reply to it.

Answer. Do you require an answer yes or no?

Question. I do.

Answer. I want to tell you what I did propose.

Question. You will have an opportunity to tell that, by and by; first answer whether you did or did not say that?

Answer. Not in the shape in which you put it.

Question. Then you answer that you did not?

Answer. My answer is, not in the shape in which you put the question.

Question. Did you say that in substance?

Answer. If you will let me tell you, I will state what I did say.

Question. You can state whether you did say that or not; then I will ask you what you did say.

Answer. I did not propose that to him, but I stated repeatedly in my editorials that the way to make peace would be for the governor, as president of the Leagues, to dissolve them, and for the king of the Ku-Klux to dissolve the Ku-Klux.

Question. That you did say?

Answer. That I did say, time and again, and called upon the governor, as president of the Leagues, to dissolve the Leagues, and called on the king of the Ku-Klux to dissolve the Ku-Klux. I did it repeatedly.

Question. Did you hear of any outrage from the Union Leagues, prior to 1834?

Answer. Nearly all of the burnings and robberies that took place in the country were charged to them in my paper and in my speeches before that, or to the Red-Strings.

Question. Before 1834?

Answer. Yes, sir.

Question. Do you know that there was any Union League, before 1868, in North Carolina?

Answer. I do not.

Question. Then before 1833 did you hear of any outrages committed by the Union Leagues?

Answer. I know a great number of outrages to be committed, but I did not know that they were attributed to Union Leagues, nor do I know the date when they began to attribute them to them.

Question. You have no knowledge yourself of any outrages by Union Leagues?

Answer. Yes, sir; no personal knowledge. I got it, though, from others.

Question. I speak of personal knowledge.

Answer. No; I have no personal knowledge.

Question. Were the people arrested and brought to trial who committed these outrages before 1868?

Answer. Some of them were, and some not.

Question. Were they convicted?

Answer. Some were, and some not.

Question. Were they punished?

Answer. Yes, sir.

Question. Now, sir, have you any knowledge of a Ku-Klux being convicted and punished since the organization of that body, for any of these outrages supposed to be perpetrated by them?

Answer. I do not remember.

Question. You do not remember of any?

Answer. No, sir. (A pause.) Yes, sir; I do know of three who are now in the penitentiary for six years.

Question. Were they negroes?

Answer. Yes, sir.

Question. Do you mean to say they belonged to the Ku-Klux?

Answer. They were masked and called themselves Ku-Klux.

Question. Have you ever heard of a white man being convicted for any of these outrages?

Answer. Not that I remember.

Question. Where were those three negroes convicted, that you speak of?

Answer. In Alamance county.

Question. The differences between you and Governor Holden have been very bitter, have they not?

Answer. Yes, sir.

Question. And I suppose you have tried to see that he did not get any better of you in bitterness?

Answer. Well, sir, I have denounced him always and in strong terms.

Question. Have you defied him or his power?

Answer. Yes, sir; the editor of the Standard, who is the governor's son, said he hoped to see me hung up in the jail yard. When Kirk was introduced in the State, and after my wife had been fired upon by these assassins, the Standard dared me to resist, calling me king of the Ku-Klux, and I dared the governor to arrest me then.

Question. Did you not at that same time call him a "white-livered villain and liar?"

Answer. Yes, sir.

Question. A conspirator and a traitor?

Answer. No, sir; I do not remember calling him a traitor; but it is true that he is a liar, and I can prove it.

Question. Before the trial did you not use that language?

Answer. O, many years ago in the Senate I denounced him.

Question. Did you not defy and dare the governor to arrest you?

Answer. I did; in reply to an article in the Standard, in which the editor said he expected to see me hung up in the jail yard, and then defied me as king of the Ku-Klux to resist the governor. Then it was I dared the governor to arrest me.

Question. Was this while the governor's militia was in Alamance county trying to put down this order?

Answer. I think it was; it was before, too.

Question. Did you do it at that time?

Answer. I did it because—

Question. Did you do it at that time?

Answer. Yes, I did it at that time.

Question. During this time did you not write a letter to those supposed to be influential with the Ku-Klux, advising them to stand firm?

Answer. I never wrote a letter that I remember; I stated in my paper, and especially to an old Presbyterian elder who had been arrested, not to give bail. Some of them were giving bail to Kirk. I told him to give no bail, but remain in prison. I said that in my paper; I do not remember writing to anybody.

Question. Then you mean to say you did not write any letters to persons friendly to the Ku-Klux, advising them or encouraging them to stand firm?

Answer. I do not remember writing any letters. I may have written some letters, for the prisoners were my personal friends.

Question. Do you remember stating it in any of the letters?

Answer. I do not remember. If I wrote to them I was sure to do it, but not as Ku-Klux.

Question. Were you not to be understood as standing in an attitude of defiance to the governor and his militia and power?

Answer. Yes, sir; all the time; and do so now.

Question. Did you go to Hillsboro during that time and counsel with your conservative and democratic friends to resist and be firm?

Answer. No, sir; I go to Hillsboro where my home is, where my family live, and stay Saturday, Sunday, and Monday. I took it upon myself to go to Judge Mitchell for an injunction. After that time I was arrested, and I sent word to my friends to make no disturbance, but keep quiet. I endeavored to get a habeas corpus from Judge Mitchell for the prisoners, and if he had ordered an arrest and attached Kirk, I would have been very glad to have joined in carrying him before the judge.

Question. As a posse?

Answer. Yes, sir; under order of the judge.

Question. You wanted to assist in that?

Answer. Yes, sir; I went to the judge to get a writ of habeas corpus for the prisoners. Kirk refused to obey the writ and the judge did not attach him, but I was exceedingly anxious to aid in the execution of the judge's orders, and regretted that he did not attach him.

Question. You were arrested?

Answer. Yes, sir.

Question. Where?

Answer. At home, in Hillsboro.

Question. During the time of your arrest did you not use insulting language to the officers and men?

Answer. Not to one of them. Kirk came up to shake hands with me when I was carried into his headquarters, and I put my hands behind me.

Question. You say you did not use any language insulting to any one?

Answer. I do not think I did, to a man.

Question. Did you refuse to sleep in the tent?

Answer. I did that.

Question. Were you anxious to be put in jail?

Answer. No, sir.

Question. Why did you refuse to sleep in the tent?

Answer. There were seven men detailed, who staid in the room where I was, and an outside guard that was surrounding the court-house. Dr. Williamson furnished a wagon for the prisoners, and when we were about to go back to camp at night the captain who had me in charge went to Kirk of his own accord, and asked if he would allow me to sleep in the wagon. I had asked Dr. Williamson if he would allow me to sleep with him, and he said he would; but when Kirk was asked to allow me to do so he refused, and afterwards, when they put up a tent for the prisoners, I declined to sleep in it, but slept on the ground, because they had refused, when there were seven soldiers to guard me, to let me sleep in the wagon. I will say in regard to these seven men who remained with me in prison, that as we marched along somebody talked about a court-martial; and I told them I was willing to leave it to my guard—the seven men—who should be shot, I or Holden.

Question. While they were under Kirk's orders?

Answer. Yes; while they were marching from Yanceyville to Graham, one of the little fellows swore that I would not be the man who would be shot. I only mention that to show the feeling between me and the soldiers, Kirk's rabble.

Question. Did you make a speech in Alamance County in December last, in the presence of a large audience?

Answer. Yes, sir, some time this last winter, in December or January.

Question. In the speech did you use language like this to the negroes: "I told you what would happen if you voted the radical ticket; look at the fate of Stevens, of Outlaw, and others?"

Answer. I have answered the same question before.

Question. Did you call attention to the fate of Outlaw and others?

Answer. Yes, sir; and to the fact that 80,000 people had been murdered in France by secret societies; that these societies had always produced destruction. I mentioned the murder of Outlaw, the assassination of Stevens, and the burning of barns and granaries as the result of the dangerous tendencies of secret societies.

Question. Did you say, "You see what you get by voting the radical ticket?"

Answer. No, sir; "You see what you come to by your secret societies."

Question. Did you say, "If you continue to vote that ticket you will see still worse times?"

Answer. I said, "If you continue your secret societies the bloodshed, hanging, and burning are not over. It is the secret societies where you have got a radical republican party."

Question. Did you see posted up in your town or county, or in Alamance County, a paper just before the December election, threatening the negroes if they voted the radical ticket?

Answer. I did not; I never saw such a paper.

Question. Did you see no such handbills?

Answer. Never at any time.

Question. How were the present judges of North Carolina chosen?

Answer. They were elected under the bayonet in a three days' election. I consider it was under the bayonet and reconstruction acts.

Question. Did you know of any one wanting to vote at that election who did not vote?

Answer. No, there was no disfranchisement at that election.

By MR. BLAIR:

Question. Were not all the persons who were disqualified from holding office under the fourteenth amendment disfranchised and prevented from voting by the reconstruction acts?

Answer. Yes, I believe they were; I believe you are right.

By MR. NYE:

Question. Did you know of any person who wanted to exercise the franchise who did not have the right to exercise it?

Answer. No, sir.

Question. Did you vote yourself?

Answer. No, sir.

Question. You were disfranchised?

Answer. Yes, sir.

Question. Did you see any person at the election who wanted to vote who was not allowed to vote?

Answer. I do not remember being at the election on the ground.

Question. Did you see any bayonets used to prevent people from voting?

Answer. I did not; but I saw the moral force of them in all the elections held now for years in the South. I have seen the moral force of bayonets at the ballot-box; I did not see the bayonets. Of which election did you speak; of the last August election?

Question. No, sir; of the election at which your judges were elected.

Answer. Yes, sir.

Question. Now, sir; there were no military at that last election?

Answer. Why, yes, sir; we had them.

Question. Where?

Answer. In different portions of the State; we had them in my county, Alamance, Caswell, and Moore. The governor sent them about from post to pillar.

Question. That was your State militia?

Answer. Yes, sir; and we had Federal troops in Alamance and Caswell.

Question. Do you mean to say that the Federal troops interfered in any way with your election?

Answer. No, sir; I say to their credit they were all disgusted with what they saw there and were kindly disposed towards us; sympathised with us in outrages perpetrated upon us, every one that I have heard.

Question. Now you are trying to impeach Governor Holden; I suppose you are very anxious that he should be impeached?

Answer. I think it just and proper that he should be, and I want to see him convicted; I think he ought to be.

Question. Is one of the objects of the intended convention in your State to change your judges?

Answer. If it is not, it ought to be.

Question. Do you not know very well whether it is or not?

Answer. Why should I know?

Question. You are a leading man.

Answer. I could only speak for myself; I have no right to speak for a convention that is not yet called.

Question. Is that one of your objects?

Answer. My purpose would be; I would impeach him and get clear of him by that; that is my policy.

Question. You would impeach all the officers?

Answer. No, sir; not all of them; there is one of the judges that I think has committed perjury, and taken a bribe; I want him to be impeached; I do not want to put him out by a convention.

Question. From what you could learn of the public sentiment, and being a journalist, is one of the prime objects of that coming convention to get rid of your judges?

Answer. I could only answer for myself. As I tell you, my purpose is and would be this: There are some of them incompetent, some of them corrupt, and others publicly drunk, very often on the bench and in the streets. One of them was fined five dollars for indecent exposure of his person, and carried to the guard-house.

Question. Which one was that?

Answer. Judge Jones.

Question. Where is he from?

Answer. From the Albemarle country.

Question. A native of North Carolina?

Answer. Yes, sir; I am ashamed to say that he is.

Question. Which one is corrupt?

Answer. Judge Watts.

Question. Where is he from?

Answer. From Martin County.

Question. Is he a North Carolinian?

Answer. Yes, sir.

Question. A republican?

Answer. A republican.

Question. He is the man you refer to as having taken bribes?

Answer. Yes, sir; I think there is no mistake about it; it is already proven.

Question. Who are your other judges?

Answer. There is Tourgee, a carpet-bagger.

Question. Where is he from?

Answer. He is from Ohio, or somewhere in the Northwest.

Question. A republican?

Answer. Yes, sir.

Question. Who are the others?

Answer. There is Pearson, chief justice.

Question. Who is he?

Answer. A native of North Carolina.

Question. What do you say of him?

Answer. I would have him impeached for refusing to give citizens the benefit of the writ of habeas corpus. While he refused to grant it, there were three men hung and a hundred arrested and put in jail or prison, some of them ironed. He refused to give them the benefit of the habeas corpus. For that I would have him deposed, and for his public drunkenness.

Question. Who is one of the other judges?

Answer. Judge Settle, of the supreme court.

Question. Where is he from?

Answer. Rockingham County, North Carolina.

Question. What is the matter with him?

Answer. He is a man of not much legal attainment; could never have been elected except by the negro vote; could not have been elected as a judge by the people without the negro vote; did not have that standing and reputation at the bar as a lawyer.

Question. Do you not think the negroes have a right to vote for judges as well as yourself?

Answer. Yes, sir; under the Constitution and laws.

Question. Then you do not think any worse of him that the negroes voted for him?

Answer. Well, he could not have been elected by the intelligent men of the State; the virtue and intelligence of the State would not have elected him; that is what I mean to say.

Question. What is the matter with him?

Answer. I have given you all.

Question. He is a native of North Carolina?

Answer. Yes, sir.

Question. Who is the other?

Answer. Judge Dick, of the supreme court.

Question. Is he a native of North Carolina?

Answer. Yes, sir.

Question. What county?

Answer. Guilford.

Question. What has he done to incur your displeasure?

Answer. I was going to say he signed the ordinance of secession, until you put in the word "displeasure"; Judge Dick, too, is like Judge Settle; not a man of much reputation in the profession; would not have been thought of for judge.

Question. You regard it as an impeachment of a man's qualifications as a judge that he signed the article of secession?

Answer. No, sir.

Question. Then why do you mention it?

Answer. Because you asked me what about Judge Dick.

Question. He has come under your displeasure for that?

Answer. No, sir; although so far as the secession movement was concerned I fought it out bitterly to the last, after the Congress of 1860-61 surrendered, and the New York Tribune and Herald called for us to depart in peace. I was at that time fighting for the Union, and calling upon Buchanan to execute the laws in Charleston, and

avowing my purpose to assist him, when Greeley said, in God's name, "Let them go in peace," and General Scott said, "Wayward sisters, depart in peace."

Question. Then you said, "Let us go into the war?"

Answer. Long after Greeley said this I introduced a resolution in the State senate calling on Buchanan to execute the laws in Charleston. I went in after the firing upon Fort Sumter. But when I thought I was good whipped, in 1861, I offered the peace resolutions in the confederate congress, which were supposed, in some degree, to have brought about the Hampton Roads mission, on the part of the confederacy.

Question. Then, like these judges you have mentioned, you have been for the Union at one time, and at another for the rebellion?

Answer. Yes, sir.

Question. So you do consider that a reproach?

Answer. No; I consider it in this way: those who were Union men at the South were forced to take that side, just as others were at the North: it was the force of public opinion; and then we had a *de facto* government that could command. But it was not that that took me in; I went in as a volunteer. In 1861 I offered a resolution in the senate calling upon Buchanan to execute the laws in Charleston, and avowing my purpose to assist, and I think it strange now that Greeley should be a Union saint and I a rebel devil, when then, in 1861, was the time we wanted Union men.

Question. You regarded Greeley as a disunionist?

Answer. No; I say when I was making speeches in 1861 for the Union, and after the Gulf States seceded, Greeley's paper did more to break me down and break down the Union men and Union feeling in North Carolina in 1861, and also in the winter of 1860-'61, than all the other pap.

Question. When your people voted on the question whether you should secede or not, they voted largely against it?

Answer. Yes, and I voted with them.

Question. When the legislature convened did it not take the State out by resolution?

Answer. Yes; we had an election in February, 1861, to decide whether we should call a convention or not; I voted against that; I voted as a citizen at the polls against it, and I voted against arming the State, and against every move that seemed like secession.

Question. Do you know James E. Boyd?

Answer. Yes, sir.

Question. Did you not, just about the time of the arrest of Mr. Boyd by Colonel Kirk, indorse him as a gentleman of high character and respectability?

Answer. And I thought he was; I have always regarded him so; I know him as a young lawyer and had a good opinion of him.

Question. Have you not since then denounced him as a perjured man?

Answer. And I think he is, to-day.

Question. I ask you the question?

Answer. Yes, sir; I have.

Question. An infamous man?

Answer. Yes, sir; I think he is.

Question. Will you tell us now what led to this change of opinion in regard to him?

Answer. Mr. Boyd has received from the governor \$250, as I see by the reports from the treasurer's office. He was a democratic candidate for the legislature, turned State's evidence and made confession when Kirk arrested him, and stated that he was a member of the White Brotherhood, or some other organization, some secret society; and soon after he was arrested he put a card in the Sentinel stating that he had not changed his political sentiments or feelings; then afterwards he came out with a confession that he had belonged to that secret organization, and, in the mean time, he has received from the governor \$250, though he has contradicted himself, and lied about it when there was no necessity for it.

Question. Did Mr. Boyd publish a letter purporting to be a confession?

Answer. Yes, sir; he published a letter.

Question. That letter was dated about what time?

Answer. I do not remember the date; it was July, August, or somewhere along there.

Question. Was it July 28, 1870?

Answer. Very likely; I do not remember.

Question. Did you publish that letter?

Answer. Yes, sir.

Question. Did you say, in the course of your comments on that letter, that "the Ku-Klux ought to hang Jim Boyd?"

Answer. I did not write the article; I do not remember what was said in it.

Question. Was that published in your paper?

Answer. I do not remember; I know that two letters of Boyd were published.

Question. Did you in your paper, or did anybody purporting to be its editor, use in your paper the language, that "the Ku-Klux ought to hang Jim Boyd?"

Answer. I do not remember; it may be so.

Question. Do you say it was not so?

Answer. I do not remember whether it was so or not. I would not hesitate about repeating it, if I had said it.

Question. Is that your opinion now?

Answer. No, sir; I do not think the Ku-Klux should have hung him, or anybody else, without authority of law.

Question. And if you said that in your paper you did not mean that they should take your advice?

Answer. I am very sure that I did not write the article that you say said so.

Question. You indorse the articles that appear in your paper?

Answer. Generally. If that was there I do not remember it; I did not read it, and I did not write it; I do not know that it was there. I did not read or write any such article, and I am very sure I would not have written it.

Question. Have you given now the only reason you had for changing your opinion of Mr. Boyd, of whom you thought so highly before?

Answer. Yes, sir; I have given you about all.

Question. Is it the fact that he came out and confessed that he belonged to the Ku-Klux Klan—did that change your opinion any?

Answer. No, sir; it was not that; it was his contradiction and his false swearing.

Question. You say it was his false swearing?

Answer. Yes, sir; certainly; false swearing, contradictory statements, and lying.

Question. In what did he swear falsely?

Answer. He seems to have taken the oath of this Brotherhood, whatever it was, and then he came out in a card in my paper in which he contradicted himself.

Question. In which he stated that he had taken that oath?

Mr. BLAIR. He said in the card that he had made no confession. The card stated that it was reported that he had made confessions after his arrest, and he declared in this card that he had made no confessions.

Mr. NYE. That is not what I am inquiring about; the witness says that he does not remember that fact.

The WITNESS. Boyd's confession was not published in my paper; I made a mistake about that. It was published in the Standard, and my paper published a card from Boyd.

By Mr. NYE:

Question. Now let me inquire in what respect did Boyd swear falsely. You have said that he swore falsely. What do you mean by that; in what particular?

Answer. In joining the society and swearing himself to secrecy, and then turning State's evidence, and taking \$250 in money. Those things I regard enough to make a man infamous; Boyd's whole conduct in the matter.

Question. If I understand you—and I want to see if I do—you regard that if a man takes an oath of the character of this oath—you have seen it often?

Answer. I have not seen it often; I do not know that I ever saw it.

Question. Well, it is this:

"You solemnly swear, in the presence of Almighty God, that you will never reveal the name of the person who initiated you; and that you will never reveal what is now about to come to your knowledge; and that you are not now a member of the Red String Order, Union League, Heroes of America, Grand Army of the Republic, or any other organization whose aim and intention is to destroy the rights of the South, or of the States, or of the people, or to elevate the negro to a political equality with yourself; and that you are opposed to all such principles: So help you God."

"You further swear, before Almighty God, that you will be true to the principles of this brotherhood and the members thereof; and that you will never reveal any of the secrets, orders, acts, or edicts, and you will never make known to any person not a known member of this brotherhood that you are a member yourself, or who are members; and that you will never assist in initiating, or allow to be initiated, if you can prevent it, any one belonging to the Red String Order, Union League, Heroes of America, Grand Army of the Republic, or any one holding radical views or opinions; and should any member of this brotherhood, or their families, be in danger, you will inform them of their danger, and, if necessary, you will go to their assistance; and that you will oppose all radicals and negroes in all of their political designs; and that should any radical or negro impose on, abuse, or injure any member of this brotherhood, you will assist in punishing him in any manner the camp may direct."

"You further swear that you will obey all calls and summonses of the chief of your camp or brotherhood, should it be in your power so to do."

"Given upon this, your obligation, that you will never give the word of distress unless you are in great need of assistance; and should you hear it given by any brother you will go to his or their assistance; and should any member reveal any of the secrets, acts, orders, or edicts of the brotherhood, you will assist in punishing him in any way the camp may direct or approve of: So help you God."

Now, you say you would think a man infamous for disregarding that oath?

Answer. No, sir; that, coupled with the money that has been paid him, and the letter he wrote.

By Mr. RICE :

Question. Where does the false swearing come in, that you speak of ?

Answer. If Boyd took that oath, and then volunteered himself to expose it, I think it makes him infamous. It would not if he were called upon in a court of justice, for then it would be his duty to disregard that oath.

By Mr. NYE :

Question. Now, in order to test your standard of what makes a man infamous, I will ask you this question : Had you taken this oath, and had become aware that this organization was guilty of murders and outrages, would you not have told of it ?

Answer. In the first place, I would not have taken that oath.

Question. But suppose you had taken it. You are supposing that a man whom you certify to have been a gentleman of good character and standing did take it, and he tells us here that these outrages were committed, and that he tells of it for that reason; do you think that a man would become infamous who would give to the world his knowledge of such outrages ?

Answer. Certainly, if he took money for it.

Question. Let us see what you know about his receiving money. Did you see him receive it ?

Answer. No, sir; but the legislature called on the governor for a statement of the secret service money, and the money paid out of the contingent fund for spies, and other moneys. Some twelve thousand dollars had been paid out to spies, and Boyd is put down for I do not know what amount—two hundred and fifty or three hundred dollars—I do not remember the exact amount.

Question. Before he ever took this oath ?

Answer. Since then, and I suppose it was since the disclosures.

Question. There is no evidence that you know of that he received money before he made the disclosures ?

Answer. No, sir.

By Mr. RICE :

Question. Or that he made the disclosures in consideration of the money ?

Answer. No, sir.

By Mr. NYE :

Question. Then, do you consider that, if he performed services at the request of the executive of your State, there was any more wrong in paying him for it than there would have been in paying anybody else, after he made these disclosures ?

Answer. He might take money as anybody else.

Question. Is there anything wrong in paying him for services performed at the request of the governor, after he made these disclosures ?

Answer. There was nothing wrong in the governor getting anything out of him in that way; if he could buy him up, there was nothing wrong in the governor's buying him; it was well enough for the governor to buy him.

Question. Was there anything wrong in his taking pay, if he performed the services ?

Answer. Such services as those, I think, make him infamous.

Question. Against men belonging to this order ?

Answer. Boyd's conduct in this matter, and his taking money with it, makes him infamous.

Question. I desire to be perfectly fair about this. Have you said all that, in your opinion, makes Boyd infamous ? Have you given all the reasons you desire to give ?

Answer. Yes, sir; it was his card, his confession, and his taking money from Governor Holden; his whole connection with this matter.

By Mr. RICE :

Question. Does his taking that oath originally, in your estimation, enter into and form a part of this infamy ?

Answer. Yes, sir.

By Mr. NYE :

Question. Do you regard it as affecting a man's moral character to take that oath ?

Answer. I think it would affect any man's moral character to take that oath, and then volunteer his services to expose it.

Question. Suppose he had not volunteered an exposure, but had simply taken the oath, and joined the society; do you regard that that would affect any man's moral character ?

Answer. If I were to do it, I should think it would affect my moral character.

Question. Would you regard it as a reproach upon any person to have taken that oath?

Answer. I say I should, if I were to go into the order and take that oath. In the case of some simple-minded fellows, who are hardly responsible to God or man, it would not be the same reproach to them as to me to take that oath.

By Mr. RICE:

Question. Or to any intelligent man?

Answer. Yes, sir; I think he has no business there.

By the CHAIRMAN:

Question. You spoke of having had no knowledge of this Ku Klux organization prior to the judicial examinations at Raleigh?

Answer. Yes, sir.

Question. Since those examinations and the disclosures made there, have you had any conversation with those who were there disclosed to be members of the order?

Answer. Yes, sir; with three or four of them.

Question. Who were they?

Answer. They were the men who were hung--Rogers, Murray, and Patton; I believe they all confessed.

By Mr. BLAIR:

Question. Were they hung until dead?

Answer. Oh, no; hung up, and let down, and hung up again.

By the CHAIRMAN:

Question. Have you had any conversation with others who were said to be members; with Strudwick and Jarvis, for instance?

Answer. Yes, sir.

Question. Did they admit that they were members?

Answer. No, sir.

Question. Did Patton, Murray, and Rogers admit to you that they were members?

Answer. Yes, sir; I think all three of them admitted that they had been initiated. I had a talk with them at Raleigh; and I have had a talk with all of them since they have been here.

Question. Before you saw them here, did they admit that they were members?

Answer. Yes, sir.

Question. Did the question ever come up in conversation with either Jarvis or Strudwick as to whether they were members?

Answer. No, sir; I heard Jarvis say that he was not.

Question. Did you put the question to him, after the disclosure was made upon the trial, whether he was or was not a member?

Answer. No, sir; I do not think I asked him; I may have asked him a question which led to it; it was in a casual conversation between two or three, and I remember hearing Jarvis say that he was one of those charged with being members, and that he was not a member.

Question. You have understood it to be a part of the obligation which the members took that they should deny being members?

Answer. No, sir; I know no more about it than you do--only what I have learned from the papers before you.

Question. Have you read the obligation?

Answer. I have never read it.

Question. Did you never read the proceedings of the examination by the judges?

Answer. Not all of it. I heard a part of it; but I did not read all the proceedings. I heard a part of it, and was indifferent about even reading it.

Question. In all your intercourse with the leading men of the conservative party of your State, did you ever make the inquiry whether any of them were, as charged, members of this secret organization, let its real name be what it may?

Answer. Yes, sir; I have made inquiries a number of times with a view of ascertaining.

Question. Did they all deny it?

Answer. I do not now remember any one denying it except Jarvis.

Question. Did they admit it?

Answer. No, sir. I never talked with more than two or three that are charged, except these witnesses.

Question. Did you ever have any conversation with James E. Boyd, of Graham, before he was brought as a witness to Raleigh?

Answer. Yes, sir; I have testified as to that already.

Question. Had you any conversation with him before that about his being a member of the order?

Answer. No, sir; I never had any conversation at all at any time with him about his being a member.

Question. Would you have said he was or was not a member?

Answer. From the character of the man I was a little surprisid that he had been a member. I have stated that Boyd was a man that I liked, and that he was a man of good character; I have already stated that, until recently.

By Mr. BLAIR:

Question. In your examination questions have been put to you in regard to different organizations and secret societies, both the Loyal Leagues and the Ku-Klux organizations; you have stated that they seemed to be in hostility to each other—in antagonism.

Answer. Yes, sir.

Question. Which one of these organizations, according to your information, was first started in the State of North Carolina?

Answer. The Loyal League.

Question. Of whom was it composed principally?

Answer. The colored population and some others.

Question. Was it the general belief in that State that it was composed almost entirely of negroes?

Answer. The negro population, with a few exceptions, belonged to it; then there were several hundred carpet-baggers. In the early organization there were, I suppose, fifteen or twenty thousand whites belonging to it.

Question. Have you any reason to suppose that this organization was instituted originally for political purposes?

Answer. The Leaguers?

Question. Yes.

Answer. My impression is that it was entirely so.

Question. They exercised a great influence, did they not, banding together the negroes in one organization?

Answer. Yes, sir.

Question. Was it supposed that the few white people in the State, carpet-baggers and others, took this means of forming them into a compact body, for political purposes, and in order to elevate themselves to power?

Answer. Yes, sir.

Question. That was the general belief in regard to it?

Answer. Yes, sir.

Question. Nearly all the whites in the State were conservatives, were they not?

Answer. Now they are.

Question. The great body of them?

Answer. Yes, sir; and they always were.

Question. This creates almost an antagonism between the races in that State, does it not?

Answer. Yes, sir.

Question. Is it your belief, or have you any knowledge of the fact, that this organization, known as the Loyal League association, used any intimidations or threats toward the negroes who were indisposed to unite with them politically, in order to compel them to do so?

Answer. Yes, sir. In Wilson County a negro, who voted the democratic ticket, was taken out of his house and whipped; they gave him two or three hundred lashes.

Question. Taken out by whom?

Answer. By the Leaguers; and when the attorney for the prosecution, Mr. Dorsch, proposed to prove that it was by order of the Leagues, the judge ruled it out as irrelevant. He offered to prove that it was by order of the League that this negro was taken out of his house and whipped. They were indicted and sentenced to thirty and sixty days' imprisonment; but Governor Holden, who at the time was the president of the League, pardoned them in a very few days. Then there was another instance, Major Tappan, who is a carpet-bagger and lives at Brattleboro, issued an order, as president of the League, to bring a negro of Nash County before the council of the League. He was brought there, and after keeping him for some time, part of a day and night, in great terror, they resolved to refer the matter to the governor, who was the president of the League. Major Tappan was indicted in Edgecombe County, the county where he issued the order, and where the League met; and he was sentenced to six months' imprisonment. The negroes who lived in the adjoining counties, a mile or two off, and who arrested this negro by order of the president of the League, were indicted in Nash County, and put in jail for some length of time; I do not remember the time.

Question. For what did they bring the negro before the League?

Answer. For voting the democratic ticket. And the president of the League, who issued the order for his arrest, and the negroes who arrested him, were convicted and sentenced. But the commander of the district—~~they~~ have forgotten who it was at the time—sent soldiers with bayonets to open the jail and let out the major; and then the

major got an order to let out the negroes who had been sentenced; so that the punishment was not inflicted. They were sentenced, though, and were in jail, all of them; but the commander released them.

Question. Was it generally understood among the negroes that unless they obeyed the behests of the League, and voted against the democratic ticket, they would be punished?

Answer. Yes, sir; that is the impression among them, and they have been punished. *Question.* Was that impression of such a character as generally to deter them from voting?

Answer. Yes, sir; they were deterred from voting.

Question. Would many of them vote with the conservatives but for the existence of this League and its terrorism?

Answer. I have no doubt they would, half of them, more than half.

Question. Have you spoken with many negroes upon the subject?

Answer. No, sir; I have never talked specially with many of them on that subject; only know these facts. And I know further, that in Wake County there has been great disturbance, house-burning and barn-burning. One witness was shot, and when he was in extremis he made a confession upon the subject. He said they had met at the house of a colored man, a preacher, and had resolved to burn so many barns; Mr. Branch's barn among the rest. They appointed a committee, so that in case any one should come out to extinguish the flames they would fire on him. Two or three of them turned State's evidence, and one of them stated before the magistrate that the meeting was first called at this negro's house by order of Governor Holden, though the governor was not at the meeting, and that they there resolved to burn so many houses and so many barns, and detailed men to shoot at parties while the fire was going on, if they came to extinguish it. Branch's barn was set on fire, and when he discovered the flames he ran out to it, and he was fired upon some twelve or fifteen times. He put out the flames, though. He came some few weeks ago to make his complaint before the grand jury. In the mean time some forty negroes had been arrested; some of them were put in Chatham jail and some in Wake jail. When the Wake trial came on at the special court called for the purpose of trying them, nineteen of them were indicted in one bill for barn-burning and house-burning--different houses. Three of them were put on their trial. At that time the grand jury was composed, I think, of eight negroes, and three of the governor's militia--radicals; and there were one or two who were not radicals. Branch went before this grand jury and stated that his barn was fired. He had two witnesses to prove that they were part and parcel of it, and to tell who fired the barn, and who stood and snoot at him; but the grand jury failed to find a bill or make a presentment. When they came to the trial of the nineteen men charged with barn-burning and house-burning, three of them were put on trial and were acquitted by a jury that was entirely republican--seven negroes, and the others radicals.

By the CHAIRMAN:

Question. In what county was that?

Answer. In Wake County. The solicitor then moved that the trial of the remainder of them be removed to Franklin County. The postmaster and others went their bail, and they were turned out of jail. That county, and Harnett and Chatham Counties, for the last three or four months, yes, for twelve months, have been the scene of barn-burning and house-burning; and then it has been the scene for the riding of Ku-Klux. Men in disguise have whipped negroes in this neighborhood.

By Mr. BLAIR:

Question. What was alleged to have been the motive of these negroes for burning these barns? Do you know anything on that subject?

Answer. No, sir; I do not know that I remember sufficiently; I have never read the evidence. I only saw the negroes when they were carried to jail. It was in a sort of spirit of opposition to the democratic party and to terrify the property-holders, and in retaliation for Ku-Kluxing, I suppose.

Question. This Ku-Klux Klan, as it is called, or these different orders, is it supposed either organization was got up with any view of protection against this kind of outrage, or against this destruction of property?

Answer. I have heard witnesses examined before the judge who made that statement; that it was to scourge the men who were committing larceny and outrages generally--a sort of vigilance committee--and that it had no political significance with them.

Question. It was done because when these outrages were committed upon their property, and the perpetrators were arrested, they escaped, either by the connivance of the courts, or by being pardoned by the governor if convicted?

Answer. Yes, sir; the governor pardoned one hundred and twenty-five, I think it was--a hundred and twenty-odd--and reported it to the legislature. By the constitution, he was to assign his reasons for pardoning. I remember one case, of a negro by

the name of Leadbetter. Judge Henry, who was a radical judge, sentenced him to the penitentiary for twenty-five years. The governor pardoned him before he was received at the penitentiary.

Question. What was he convicted of?

Answer. I do not remember; it occurred in one of the courts in the mountains. The governor assigned as a reason for pardoning him that when he was convicted he was only about fourteen years of age, and said to be an idiot. In six days afterward the same fellow was put in jail in Orange County. I saw him in the jail; he was a stout large man, weighing one hundred and eighty or two hundred pounds, and must have been twenty-six, twenty-seven, or twenty-eight years of age.

By the CHAIRSMAN:

Question. Did you know the man?

Answer. I went in to see him, hearing that he had the great seal of State in his pocket.

Question. That is not the question. Did you know him?

Answer. No, sir; I asked him who he was; he told me his name, and that Judge Henry had put him in the penitentiary for twenty-five years.

By Mr. BLAIR:

Question. You learned from him that he was the man who had been pardoned by the governor?

Answer. Yes, sir; and he had the pardon with him; I got it from him; he gave it up to me.

Question. The governor, then, must have been deceived in this matter, or else he stated a reason which did not exist?

Answer. Yes, sir; one of the two.

Question. You have said that the number pardoned by the governor was one hundred and twenty-five. Within what time?

Answer. I suppose it was within twelve months. The constitution requires that the governor shall make a report to the legislature; and it was his first report upon the subject to the legislature. I suppose it was within twelve months; though I do not know.

Question. Were you in the State when Kirk and Bergen were there?

Answer. Yes, sir.

Question. Were you arrested by them?

Answer. Yes, sir.

Question. On what ground? What was the alleged offense that you had committed?

Answer. None in the world.

Question. Did they charge you with any?

Answer. No, sir. They came with two negroes and about ten white men, without a warrant. I demanded of them their warrant. I was on horseback at the time, and they cocked their guns at me, and threatened to shoot me if I did not surrender. I demanded their authority for arresting me. They said, by order of the governor. They went to my house and robbed it of a pistol and a couple of guns, and they carried me off to the adjoining county.

Question. Where did they arrest you?

Answer. At Hillsboro.

Question. Where did they carry you?

Answer. They carried me to Company Shops, in Alamance County; and that night, about nine o'clock, they started off for Yanceyville, about thirty miles distant. I was confined there for about a week or ten days.

Question. Did they make any charge against you?

Answer. None in the world.

Question. How did you obtain your liberty?

Answer. If you will permit me, I will state some of the particulars connected with my imprisonment. Seven men were put in my room and forbid my going to the windows; and then they forbid my speaking, unless I spoke for something to eat or drink. We were marched from there to Company Shops, and then from Company Shops to Graham, and put in the court-house there. On a Tuesday, I, with three others, was put in jail. One of the prisoners, a respectable man, was ironed. The ex-sheriff of Caswell County and myself were put in the same room. They refused to allow my friends to send me a pitcher, or tumbler, or chairs, or even a stool to sit on. We did send out and get a pound of candles and some matches, but they took them all from us, except one candle, which we had hid. A crazy man had occupied the cell for six or eight months; and there were two blue buckets in the room, as the furniture of the room. They did not empty the bucket which had been used, nor the bucket which had water in it; and when we asked for water, they said we could take it out of that bucket. We said we would not drink that. We remained in that cell, or I did, until Wednesday. They then took me out and put me in a smaller cell with a negro, who was to have been hung

the next day for rape. The negro was ironed down in the middle of the floor. I had no furniture; not a chair or a stool to sit on. We remained there from Tuesday until Thursday, one or two o'clock, without any water; they would only allow us the stale water left by the crazy negro, in a foul bucket. They refused to allow me to send out and buy two buckets; they would not allow it. And this was done after Judge Brooks issued the writ of *habeas corpus* commanding Kirk to bring us before him. Kirk had held some of these men three weeks or more; had ironed them, after he received Judge Brooks's order to bring them before him. Judge Pearson, our chief justice, had then refused, corruptly refused, to grant the benefits of the writ of *habeas corpus* to these men. Nearly ninety of them, whose names I have, were arrested in Alamance County, among them the most respectable, quiet old gentlemen of the county. In Caswell county there were twenty or thirty arrested; I suppose some of them sixty, sixty-five, or nearly seventy years of age; men of exemplary life and deportment. They were all arrested without any warrant, charge, or accusation. They went before Judge Brooks, who released them on *habeas corpus*. When they released me—

Question. By whose order were you released?

Answer. By the order of Judge Brooks.

Question. Was any return made to the writ of *habeas corpus*, alleging for what offense you had been arrested?

Answer. When I was discharged, the counsel stated that there was not a particle of evidence against me.

Question. What counsel?

Answer. The governor's counsel, Mr. Boyden. They made no motion to retain me after the judge had discharged me. The prisoners were all discharged; none of them were detained by Judge Brooks.

Question. Was any accusation made against any of them?

Answer. Yes, sir.

Question. What was it?

Answer. Kirk, who was lately introduced into the State, made an affidavit against some of them, that they had been attempting to subvert the State government; there were two or three of them that he charged with attempting to subvert the State government. That was upon Kirk's affidavit, an entire stranger to the country.

Question. Did you know Kirk? Did you ever see him?

Answer. I was carried to his quarters and was his prisoner.

Question. Did you ever see him before?

Answer. I never saw him before.

Question. What part of the world did he come from?

Answer. He came from East Tennessee to North Carolina; I think he was raised in North Carolina originally, but he came there from East Tennessee.

Question. What was his reputation?

Answer. It was bad.

Question. When he came there?

Answer. Yes, sir; he came there with a bad reputation.

Question. In what respect is his reputation bad?

Answer. As a plunderer and murderer.

Question. Was he charged with having committed murder in Tennessee?

Answer. I do not know about Tennessee, but in North Carolina.

Question. Previous to these arrests made by him?

Answer. Yes, sir.

Question. When; during the war?

Answer. Yes, sir, during the war; shooting persons who had surrendered and were begging for life.

Question. Was that known in the community there when he first came?

Answer. Yes, sir; he had quite a reputation in the State as a sort of freebooter and plunderer.

Question. Did you know Bergen?

Answer. I was his prisoner; I never saw him before.

Question. What was his reputation?

Answer. He had a bad reputation. I do not know upon what it was based.

Question. Subsequent to these arrests made by Kirk and Bergen, and after the release of the prisoners by Judge Brooks, as you have described, were Bergen and Kirk arrested, or was any attempt made to arrest them?

Answer. I sued them, and applied to the Chief Justice, and to the others, for bench warrants against Holden, Kirk, and Bergen. They refused to grant me a warrant to run in Caswell and Alamance counties; they refused to grant me one against Holden at all; some of the judges, among them Dick and Settle, refused to grant a bench warrant against the governor; one or two of them granted me a warrant against Kirk, but would not let it be executed in Caswell or Alamance, the very counties those men were in.

Question. Why?

Answer. The reason assigned was that those counties were in insurrection; and they would not allow a warrant to run in those two counties.

Question. The warrant was against Kirk and Bergen?

Answer. Yes, sir.

Question. I understood you to say that you were arrested at Hillsboro?

Answer. Yes, sir.

Question. You were not in those counties?

Answer. I was not in the insurrectionary counties at all.

Question. Were they arrested on those warrants?

Answer. Bergen was arrested on a writ which I sued out in the Federal court, and for want of bail was put in jail. He remained there for some time, and the Federal judge from Baltimore—

Question. Judge Bond?

Answer. Yes, sir, came down, some two months after the writ was granted, and heard an application for a *habeas corpus*; the application was granted some two months afterward and he was released. He was released when the sheriff had a writ and a *capias* for him from two counties. He was carried out of the jail, and made his escape from the State in that way; the sheriff of the county, who was the jailer too, having *capases* and writs to serve, and yet he was allowed to escape.

Question. How did he get out of the State?

Answer. The judge turned him loose about dark, and the next time I heard of him they were running him with dogs over in Danville and caught him, but released him again.

Question. Caught Bergen?

Answer. Yes, sir. I had a writ against Kirk in the hands of the marshal; I had a *capias* for him on an indictment found in Orange court. I gave the sheriff of Wake County the *capias* and bench warrant, but the marshal would say to him, "This man is my prisoner?" and he kept a deputy to go about with him. He executed the writ, and did not take bail, but became special bail himself. Kirk remained there two or three weeks, when the sheriff of the county had *capases*, writs, and warrants against him; the marshal refused to let them be executed, said he was his prisoner. Kirk disappeared suddenly.

Question. Was he discharged by Bond?

Answer. I think he was discharged; I do not remember whether he was discharged by the judge or not; at any rate he stole out of town and made his escape, when the sheriff had *capias* writs and bench warrants all to execute on him. He was there walking the streets at large, and the United States marshal would not execute the writ and require bail, but was special bail himself, and drove off the sheriff. It was a mere connivance, as I believe, between the sheriff, who was a carpet-bagger from Boston, and the governor and the marshal, to prevent other process of law being executed.

Question. Who is the marshal?

Answer. Carroll. I think there was a combination in order to prevent the execution of the State laws in that way. The marshal told me that he had executed the writ, but had not taken bail; that the governor said he would have Kirk forthcoming at the proper time, when he was through with him.

Question. What do you know of the cases of Outlaw, and Stephens, and Shoffner?

Answer. Shoffner was the author of the militia bill, under which the governor declared counties in insurrection. I had known him for many years. He was indicted in Clifford for taking up a body. He took up the body of a black man; boiled it in a sorghum trough. A doctor in Guilford advertised for a skeleton; this was during the war. Shoffner boiled this body and threw the flesh out on the ground, and was indicted in Guilford court for robbing a grave. He got thirty or more dollars for the skeleton. He confessed his guilt, and paid the cost.

Question. I understand he was a member of the State senate?

Answer. Yes, sir.

Question. And introduced this militia bill?

Answer. Yes, sir; a bill to suspend the writ of *habeas corpus*.

Question. Stephens was also a member of the Senate?

Answer. Yes, sir; he was raised in Rockingham, I think; at least he lived there, and was indicted for stealing chickens; he plead guilty and paid the costs, and afterwards quit the county. They did not prosecute him further, but allowed him to pay the cost and leave the county. He went to Caswell and became senator from that county. He was afterward assassinated.

Question. For what reason was he assassinated, and by whom?

Answer. I have no idea—no knowledge of it in the world. He had created a bad feeling between the whites and the blacks. One of the prisoners, who was charged with the assassination of Stephens, told me that a colored man living with him stated that Stephens, in their league meetings, had made a speech advising the burning of some tobacco barns in the county. Those barns were burned, and subsequently Ste-

phens was assassinated. This was told me while I was a prisoner in Yanceyville, the place where he was assassinated. I thought it likely, from that account of it, though I could not tell—his making speeches and advising the burning of tobacco barns. I know the fact that a great many of them were burned—barns and stables. My theory of his assassination was that it was done in that way, though I may be mistaken about it.

Question. Did you ever know this man Outlaw, who was killed?

Answer. I had seen him; I once lived at The Shops twelve months, where he was hung.

Question. Was he hung at The Shops, or at Graham?

Answer. At Graham; The Shops were close by. I have no doubt I had seen him often. I stated in a previous part of this examination that a radical preacher in the penitentiary, named Palsley, had stated that Outlaw had boasted, he reckoned, to some men in Graham, that he had shot at the Ku-Klux.

Question. Palsley was put in the penitentiary for Ku Kluxing?

Answer. Yes, sir, for six years. He had a crowd of negroes who went around in disguise and whipped other negroes, I suppose for the purpose of making the negroes think it was the white people. Palsley was a preacher, and a leading man in the leagues.

Question. Do you know a man of the name of Colgrove?

Answer. Yes, sir. I have in my possession now an indictment where Colgrove was indicted in New York and sentenced to the penitentiary for four years and six months. The CHAIRMAN. Is it your desire, general, to go into the personal history of these parties?

Mr. BLAIR. I want to know about them.

The WITNESS. Colgrove was the sheriff of Jones County, who was assassinated.

The CHAIRMAN. I supposed the general wanted to get from the witness a statement of the facts in regard to the assassination of Colgrove, not his personal history.

The WITNESS. I reckon the general would be glad to hear both.

The CHAIRMAN. I only want to have an understanding of what was wanted.

Mr. BLAIR. I want the witness to state what he knows.

The WITNESS. Colgrove was the sheriff of Jones County, and was assassinated. I have in my possession a certified copy of the indictment and of the requisition made by the governor of New York for Colgrove, after he had been sentenced in New York to four years and a half in the penitentiary.

By Mr. BLAIR:

Question. A requisition upon the governor of North Carolina?

Answer. No, sir; it was in New York some ten years ago.

Question. Upon whom was the requisition?

Answer. Upon the governor of Ohio, from the governor of New York. He fled to the State of Ohio. He was captured there and brought back, by the requisition of the governor of New York, and served out his time in the penitentiary, and then came down to North Carolina and was elected sheriff of Jones county. He had the character of being a desperate and bad man.

Question. Do you know by whom he was killed?

Answer. I have no idea in the world; I only know the fact that he was assassinated.

Question. Was anybody arrested for it?

Answer. Yes, sir, there were some arrests made for it, but I do not think the parties were ever found out; some arrests were made, though.

Question. Now, sir, in reference to the indebtedness of the State, the enormous issue of bonds made in the administration of Holden, I will ask you whether that fact or those facts made any part of the issue in the last election?

Answer. I would like to answer that in connection with the question Mr. Nye put to me, if I considered it a reproach to vote the republican ticket in North Carolina. I do think it a reproach to vote the republican ticket in North Carolina, under the present circumstances, because, as I have often stated, we have a corrupt executive, a corrupt judiciary, and have had a corrupt legislature, each and all of them. I have often stated it as an editor, and in stump speeches, and I state it here now solemnly, upon my oath. They are all corrupt, and their corruption has been found out by the people. The last legislature appropriated \$26,000,000 in bonds for railroad purposes; they checkered the State with them. The governor had the power of appointing the directors, who elected the presidents, in most cases where the State had an interest, and he is held accountable for it. Ten million dollars were declared unconstitutional by the supreme court. That left \$16,000,000.

Question. Ten millions of the issue?

Answer. Ten millions of the \$26,000,000 were declared unconstitutional. The balance, or most of it, was put out at one time, in the hands of irresponsible presidents of the railroads, through the agency of the governor. They went to New York and sold some of the bonds for 40 and 50, and some as high as 60 cents at first, and then hypothecated and borrowed money, and have not applied out of all that amount, I suppose, more

than \$500,000 to the works. General Littlefield was president of one railroad company. The governor made him president too. He had been presented by the grand jury of Wake County for lobbying, and attempting to bribe the legislature. He opened a grogshop in the capitol, where he had free liquor for the members. His partner in the business, Swepson, states in a report that \$242,000 in cash, I think it is, was paid to buy members of the legislature, and to get the railroad bills through. These things have all come to light to the people. Dr. Sloan was made president of one railroad after he had confessed before the committee on frauds that he had received \$20,000 in bonds to withdraw his opposition to the road. He was making some objection to an appropriation of \$2,000,000; but he withdrew it, and confessed under oath, before the committee, that he received \$20,000 to withdraw his objection to that appropriation. Governor Holden, after that confession on the part of Dr. Sloan, made him president of a railroad too.

By the CHAIRMAN:

Question. Does the governor appoint the presidents?

Answer. He makes the directors, and picks out the president too, as a general thing, before he makes the boards. Mr. Jones was made president of another road, and Dr. Sloan, who had taken this bribe of \$20,000 out of the treasury when Holden was provisional governor under Johnson, sold to Jones some cotton belonging to the State that was then in the New York market for many cents less in the pound than it was worth in the market, and pocketed a large amount of money by this sale. I think he bought it one evening and sold it the next morning for eight or ten cents below the figure he gave for it the day before. When the matter leaked out Jones went to Sloan and passed to the treasury the amount he made in that way. The governor had a knowledge of the corrupt transaction. It occurred two or three years ago, this cotton transaction. He had a knowledge of Mr. Sloan's corruption, because he confessed it under oath, and notwithstanding all that he appointed Sloan president of one road and Jones of another.

By Mr. BLAIR:

Question. That is to say he appointed the directors, who elected the presidents?

Answer. Yes, sir; in fact they have to be appointed from the directors. He appoints each one of the directors for the State, that is, two-thirds of the board, and they select the president from the board of directors. Well, General Littlefield, a carpet-bagger from New York or Philadelphia, made a purchase of the Standard office from the governor for \$20,000, as I have also understood, and then the governor appointed him State printer, and he became president of the Western Railroad. Swepson wrote to the governor of Florida, sending his letter by Littlefield, saying: "You know our bargain. We will pay you \$12,000 to call an extra session of the legislature, if they get our bill through," and also admitting that they had already paid some \$3,500 or \$3,700. This letter was published. It was well known to the governor and the people of North Carolina, Swepson's and Littlefield's robbing and plundering the State out of this large amount. The governor has been in with these men and never broken with them.

By Mr. RICE:

Question. Has not General Clingman been with them too?

Answer. He claims he has been counsel for them.

By the CHAIRMAN:

Question. Go on and give the facts you know, instead of conclusions.

Answer. Well, these are the facts: Our money raised on State bonds Swepson and Littlefield used to purchase a road in Florida. They account for the money that way.

By Mr. BLAIR:

Question. Bought a road for themselves?

Answer. Yes, sir; it is owned by them now. Some time last year, or year before, a meeting of all those railroad presidents in North Carolina, Sloan, Jones, Littlefield, Swepson, the treasurer and the governor, was held. Our special tax bonds have got down so low, that the last time they sold in Raleigh, it was for ten cents on the dollar. It was these things that created the great revolution in political sentiment. They were known to the public.

By Mr. NYE:

Question. What amount of bonds was issued to Littlefield?

Answer. Six millions to Swepson, who was the first president. Then Littlefield succeeded him. That is for that one road.

Question. What amount, if any, did Littlefield receive of those bonds?

Answer. I do not know. They were first issued to Swepson.

Question. Do you know that he ever received any?

Answer. I do not know whether Swepson has ever turned them over, because they kept their matters so together that I am not able to state.

By Mr. BLAIR:

Question. You have given us an account of the appropriation of these bonds to these different railroads, and the characters of the men who controlled the railroads. Were the characters of these men as you have given them generally understood in the State?

Answer. Every one of them.

Question. And the enormous amount of issues, was that generally known?

Answer. That was generally known.

Question. Was the fact known that the State never derived any benefit from them?

Answer. That was well known.

Question. And these facts being well known, it created a great alarm and apprehension on the part of the people and became an issue in the election, and changed the result of it?

Answer. That was the issue, and there was hardly anything else talked about.

Question. What was the apprehension among the people of North Carolina if those parties had been retained in power? If the election had gone in their favor what did the people of the State think would become of the credit of the State and its property?

Answer. Why, the property and credit were already destroyed. They felt it and knew it.

Question. The State was already bankrupt?

Answer. Already bankrupt, already ruined. They felt it before the election came on. It was not in expectation of what they were doing, but what they had done.

Question. Does not Holden in his last message recommend the State to repudiate a part of the debt?

Answer. I think he does a portion of it. I do not know that he used the word "repudiation," but the idea is the same.

Question. Upon your examination it was brought out that you had frequently in your speeches stated that the negroes whom you had employed on your farm were running to league meetings, &c., injuring your stock, without benefit to you, and you proposed to yourself thereafter to employ such persons as you could control, and not undertake to have your work done by men who paid more attention to politics than to your work?

Answer. Yes; I could get that sort and I determined to have it.

Question. I ask you if in coming to that conclusion you did not take the hint from what you heard about these people in the northern manufactories, who compel their employes to vote with them, or discharge them if they do not?

Answer. I suppose it was so. I have always understood that in their large establishments they do control them.

Question. And discharge them when they do not vote the ticket?

Answer. It is easily done; I have always understood that such things were done.

Question. The men were compelled either to vote the ticket that was favored by their employers or else they were subject to be discharged, or were often discharged?

Answer. So I have understood, and I believe it to be so. I do not know whether it is so or not now.

Question. You believed you had as good right to do that thing as any northern man?

Answer. I thought so.

Question. You believe so still?

Answer. I think so now. If I can find men of my political sentiments to do my work, I would prefer them to men who had joined organizations that were ready to burn and plunder.

Question. Do you not think there is still more excuse for your course than at the North? The political parties there do not propose to rob each other of any rights of property. They differ in the choice of men and measures, as we have always done in this country, whereas in the South your opponents, the radicals, propose to deprive you of your rights as citizens to a very great extent?

Answer. Yes, that is the sight now. They have on the ticket that was put out by the convention, four of the signers of the ordinance of secession, who now went to "make treason odious," and exclude from pardon anybody except themselves or men who belong to the party. Our northern friends do not understand the condition of things with us. I remember hearing a northern officer who was sent down to Caswell County say that if Kirk had gone into any northern State he would have been hung up, and every man with him before morning, that they would not have submitted to it; and I do not believe they would. I know one man who had flocks of 300 sheep, and some of a hundred, but now they have not one. I have heard a respectable farmer say that he never killed less than a hundred hogs, and when he spoke to me, which was nearly two years ago, he said that he had killed only thirteen shoats, and had only about ten sheep, though he had never before had less than a hundred. I think the leagues and the Freedmen's Bureau disorganized all the labor of the country. They made the black man think that he was to support himself by his vote. In the next county to mine there is a free nigger from Connecticut. He runs a barber shop in Raleigh. He went over to Granville and put up a barber shop there and was elected magistrate. They levied a tax of \$1,500 for township purposes, and elected a nigger constable that an old man cannot read. One of the citizens of that township told me he had refused

to pay his tax, and that they had sold his horse, and he had bought in the horse. I asked him why he bought in the horse, why he did not pay his tax anyhow? He said he did it for the moral effect it would have.

Question. Is this one of the officers employed to levy these taxes?

Answer. There are two magistrates to a township, and they can levy taxes for township purposes. Well, we have a judge, who, at the great Philadelphia meeting, stated—and it was published in the Herald, Tribune, and other papers—that a respectable Quaker told him there were fifteen negroes pulled up out of one millpond, put there by rebels. That judge rides my circuit, and I have offered one hundred dollars in gold if any black man could get Tourgee to name the respectable Quaker that told him so. I have been offering this now for over a year.

By Mr. NYE:

Question. Probably they do not put much confidence in it?

Answer. Exactly. When a black man at Rockingham asked if the judge did say so, I told him if he would get a note from him that he did not say so, I would give him the hundred dollars. Some two years ago there was a negro by the name of Haynes indicted for stealing boots. The shoemaker was called and he identified the boots that he had stolen, and said they were his and that he made them. A merchant from Raleigh with whom he had pawned the boots testified that he had got them from this negro. Upon this evidence the jury had no hesitation in convicting him. The judge ordered the clerk to set aside the verdict, on the ground that there was no evidence against the defendant, and then instructed the solicitor if he did not find additional evidence he must enter a *nolle proes.* at the next court.

The CHAIRMAN. Is that in answer to the question of white men being deprived of their rights?

Mr. BLAIR. It is very interesting, and bears upon the question.

Witness. It was simply to give the committee some idea of the condition of things, and not from malice or bad feeling in the matter. It is not with that at all. That man was convicted. The judge then let him enter his personal recognizance. He appeared at court and was convicted again. The verdict was set aside the second time, and then the judge took his personal recognizance, and he has not appeared since. I know him to have the reputation of a great rogue and rascal.

By the CHAIRMAN:

Question. Do you mean Judge Tourgee, or the negro?

Answer. I mean the negro, but I think Tourgee a great rascal and liar; I know him to be a rascal and a liar. He was coal commissioner and judge, and then declared himself a candidate for Congress. He would ride the circuit, and get up and make a speech for Congress. They paid him \$2,400 a year as coal commissioner, and at the same time he received \$2,500 as judge, and while he rode the circuit he declared himself candidate for Congress, and would make speeches as a candidate. He had a fight, too, with one of his competitors in the ladies' car on the train.

Question. You have said the whole judiciary of North Carolina is corrupt?

Answer. No, sir. If I said that, it was not as I intended to say it.

Question. Do you now qualify it?

Answer. I say we have a corrupt executive, a corrupt judiciary, and did have a corrupt legislature. Now there are exceptions to the judiciary.

Question. You have twelve judges of circuits, have you not?

Answer. Yes, sir.

Question. Begin with their names, and give us the exceptions.

By Mr. NYE:

Answer. You said Chief Justice Pearson was a daily drunkard?

Answer. Not daily. I have seen him publicly drunk.

Question. How long has he been judge of your court? Has it not been more than a quarter of a century?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Which of the judges are exceptions to your remark that the judiciary was corrupt?

Answer. We have a corrupt judiciary, executive, and did have a corrupt legislative body after the new constitution was adopted.

Question. Please give the exceptions?

Answer. I would say Judge Cannon is a very incompetent judge.

Question. That is not the point, but corruption. Name the exceptions out of the twelve?

Answer. I know of no corruptions with which Judge Pearson is connected, excepting in the refusal to—

Question. It is the exception we want. There are twelve circuit judges. Name those who are not corrupt.

Answer. To the word "corrupt" I should have added that they are inefficient or drunken.

Question. You have stated that you have a corrupt judiciary. There are twelve circuit judges in the State. Name the exceptions out of those twelve?

Answer. Well, I have no reason to believe that Judge Reade is corrupt.

Question. Name the next exception.

Answer. I applied to Judges Reade, Dick, and Settle for a bench warrant—

Question. Without getting away to any history (this examination has been protracted already) give the names of all who are exceptions out of the twelve.

Answer. I do not know anything of Judge Cannon's personal corruption. He is an ignorant man. I make an exception of him.

Question. That is two; now who else?

Answer. Judge Henry; I do not know of any corruption on his part as a judge, though he is not qualified as a judge, from his reputation.

Question. No matter about that.

Answer. I would like it to go in. Judge Tourgee I look upon as a corrupt man, void of truth.

Question. He is not an exception.

Answer. Oh, yes; that is true. Have I mentioned Judge Dick?

Question. Which class do you put him in?

Answer. I know of no corruption on his part, except the refusal to grant a bench warrant for Kirk. I look upon that as an act of judicial corruption.

Question. Do you class him among the corrupt ones, or not?

Answer. I look upon that act—

Question. I do not want personal details, but the general conclusion.

Answer. I look upon that act as one of judicial corruption on the part of Judge Dick.

Question. This is a very serious charge, and we deem it due, as you have put it upon the record, that you should give the names. You place Judge Dick among the class of corrupt judges?

Answer. I class that act of his—I never knew of any other—I look upon that as a corrupt thing.

Question. You wish us to understand that your opinion of the judiciary should determine whether a man is corrupt or not; your opinion of his judicial conduct?

Answer. No; it is his judicial conduct that determines my opinion.

Question. It is upon his judicial decisions that you base the charge of corruption?

Answer. I say I never knew Judge Dick guilty of corruption except—

Question. Except you think he did wrong in refusing that writ?

Answer. I thought that was corruptly wrong.

Question. Then you knew he was bribed?

Answer. No, sir.

Question. What do you mean by corruption?

Answer. It was his partisan feeling that led him to do what he ought not to have done. Judge Dick is one of the supreme court judges and not one of the circuit judges.

Question. Leaving him out, therefore, and taking the remaining judges of the circuit court, how do you class Judge Russell?

Answer. I never knew him to be corrupt.

Question. How about Judge Logan?

Answer. I never knew anything of personal corruption in Logan; he is not qualified, though, as a judge; he wants learning.

Question. Judge Thomas, how about him?

Answer. I never knew of any corruption on the part of Judge Thomas.

Question. How about Judge Jones?

Answer. Judge Jones is only drunken—decidedly unfit for his place; he was fined \$5 for exposure of his person in the street.

Question. Now we have got ten of them; out of those, eight, you say, are not corrupt. Give the names of all those you deem corrupt in your meaning of that word?

Answer. I look upon Judge Watts as a corrupt judge.

Question. That makes eleven. Who is the remaining one?

Answer. I think I ought to be allowed to state why I look upon him as corrupt.

Question. We will give you full liberty when you get through with the twelve. Can you call any other names of the circuit judges that you regard as corrupt?

Answer. I can call them directly.

Question. Is there any one else you would name of the circuit judges that you put in that class?

Answer. There are half a dozen of them that were applied to for bench warrants by citizens upon whom outrages had been committed and they refused to grant them. I look upon that refusal as judicial corruption.

By Mr. NYE:

Question. Is that the evidence upon which you base your charge of corruption?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Then you cannot recollect any other names whom you put in that class?

Answer. I can name them if I have time.

Question. These are the only two that you would class as corrupt from your knowledge of them?

Answer. No. If you will allow me to answer the question without putting it in that way, I will give my reason for it.

Question. Very well, give the reason.

Answer. The reason for saying we have a corrupt executive, legislature, and judiciary? The whole legislature were not corrupt—

Question. Wait till we are done with the judges.

Answer. Nor did I intend to be understood to say that the whole judiciary was corrupt.

Question. Then, going back to the supreme court judges, how many of them are corrupt?

Answer. I look upon Judge Pearson as a corrupt judge, because he refused to grant to citizens the writ of *habeas corpus*.

Question. Who is the next?

Answer. I look upon the acts of Judge Reade as judicially corrupt, when he swore in members of the legislature, requiring certain members to stand aside, when he should have just received their certificate and sworn them in. I looked upon that as a corrupt act.

Question. How about the others?

Answer. When Judge Settle and Judge Reade refused to give me bench warrants against the men who had outraged me in person, I looked upon that as a corrupt act.

Question. The whole of them?

Answer. All who refused me redress.

Question. How many were there?

Answer. Judges Reade, Dick, and Settle.

Question. Who is the remaining judge of that court?

Answer. Rodman. He, too, refused to grant me a bench warrant after I had been imprisoned without warrant or authority of law.

Question. Upon such reasons as this, without giving any of these men credit for honesty of purpose, have you, as an editor of a leading conservative paper in North Carolina, been denouncing these men as corrupt?

Answer. I have stated time and again that we have a corrupt executive, judiciary, legislative body, and then have denounced Judge Pearson as corrupt; but I do not know that I have in my paper denounced the others. Very likely I have if I thought so. I feel so now—that that was a corrupt act.

Question. Upon these reasons, without giving these men any credit for honesty of purpose in their decisions, you have, as a leading editor of a conservative paper in the State, denounced them as corrupt?

Answer. Yes, sir; I have denounced those gentlemen for corruption in denying to me a bench warrant for a felon and rascal who had imprisoned me and maltreated me. I did look upon it as a corrupt act, and think so now.

Question. In the first part of your examination you mentioned one hundred and twenty pardons that had been communicated by Governor Holden as having been granted. Did they embrace pardons for all classes of offenses in the State?

Answer. Yes, sir.

Question. That was for how long?

Answer. For one year, I think. It was the first report made to the legislature, and the constitution required him to make a report to every legislature.

Question. You have annual sessions?

Answer. Yes, sir; it may have been more than a year. I do not know.

Question. You have spoken of the time you were arrested together with a large number of respectable citizens from Alamance County. Did you class Mr. Boyd as among those respectable citizens?

Answer. I would have done so at the time. I thought him then a respectable man, and I did not believe, until it was disclosed, that he belonged to any organization such as he did.

Question. Since the disclosure has been made that a number of these men were and are members of the organization which participated in the hanging of Outlaw and other such outrages, do you still consider them as among the most respectable men of that neighborhood?

Answer. I should not consider any man who had engaged in the hanging or punishing unlawfully of anybody as a respectable citizen.

Question. Does the evidence satisfy you that it was that organization that participated in the hanging of Outlaw?

Answer. My impression is that it was so.

Question. Then your opinion about these men who were arrested being the most respectable citizens is now subject to that qualification?

Answer. Yes. I knew of old men, respectable members of the church, and if they had gone into any organization inadvertently I have no idea that they participated in any crime.

Question. You spoke of an affidavit made about Kirk. Where was that affidavit filed?

Answer. It was before Judge Brooks, at Salisbury.

Question. Did you class the Federal judiciary among the corrupt judiciary of your State?

Answer. I do not know anything about Judge Bond. I thought his conduct was very shameful. I do not know anything about his character, but I think his conduct in releasing this man, and not giving notice of it, was shameful.

Question. Did you intend to embrace Judge Brooks and Judge Bond in this charge?

Answer. No, sir; I did not have that in my mind, and I did not know anything of Judge Bond except this act, which I look upon as unbecoming a judge.

Question. In regard to the assassination of Stevens, had you hunted up his personal history before his assassination?

Answer. I had it before. I was at his county seat and called upon the clerk for the docket. The indictment had been published in the newspapers. I know of it some time before the assassination.

Question. Why did you do that?

Answer. It was to show his character as a man. He belonged in Caswell County, where there was a majority of colored people, and he represented them when there were hardly a dozen white men in the county to vote for him.

Question. That was published before, or after the election?

Answer. Both. I remember to have alluded to it, and seen it in the papers both before and since the election and assassination. It has been a matter of talk.

Question. You continued to publish it after his election?

Answer. Yes, sir; before and after.

Question. Did you publish it after his assassination?

Answer. Yes, sir; I alluded to it repeatedly.

Question. You did not publish that as an excuse or apology in his murder?

Answer. I never in the world; never tried to excuse the murder; never wanted to palliate crime.

Question. What was the motive of publishing it after the man's death?

Answer. The Standard stated that Stevens had stolen chickens when he was going to get across the Federal lines. That was since the assassination. It said that he was going to join the Federal forces during the war and took a couple of chickens to help him on his way. I then stated that it was not so; that he did not go across to the Federal lines, and that he stole the chickens by enticing them into his corn crib, and kept it up for some time. He would shut the crib door on the chickens, kill them, and then hand them out to the cook. The Standard said, too, that he was convicted by a rebel jury. I alluded to the fact that he was not convicted by a jury at all; that he submitted in court and paid the costs, and the case never went to the jury. That called it out. It was because they wanted to make a martyr of him and the like that I alluded to it to show that he was a bad man and not entitled in his community to the character which the Standard gave him.

Question. In regard to Senator Shoffner, was not his introduction of what is called the Shoffner bill considered his most grievous offense in the community?

Answer. I do not know. No, sir; it was his digging up a body and boiling it.

Question. In the view you took of it in your paper, which did you present as the worst?

Answer. Both. I alluded to both, and denounced both as infamous.

Question. You considered being the author of that military bill was a very great outrage on his part?

Answer. No, I considered the bill that suspended the writ of habeas corpus a very great outrage; that was it.

Question. Was not the public animosity excited against Senator Shoffner because he introduced the bill?

Answer. Yes, because it suspended the writ of habeas corpus.

Question. Was Shoffner compelled to leave that part of the country?

Answer. I reckon not. He did leave though, and his property was attached at the court-house.

Question. Did you hear of any arrangement to assassinate him?

Answer. Yes, sir; before the judge at Raleigh?

Question. When did you hunt up the evidence of Colgrove's indictment in New York?

Answer. It was about twelve months ago.

Question. After he was assassinated?

Answer. Yes, sir.

Question. Did you publish that after he was assassinated?

Answer. Yes, sir.

Question. As a justification for it?

Answer. Not as a justification.

Question. What motive?

Answer. It was when they were speaking of this man Colgrove as a good man. I wanted the public to be informed as to what sort of a man he was. It was a matter of fact.

By Mr. BLAIR:

Question. You wanted to let the public know what sort of characters composed the republican or radical magnates down there?

Answer. Yes, that was the purpose.

By the CHAIRMAN:

Question. Did you continue to attack the characters of the dead radicals down there? Is that your system of political warfare—to continue the attack after their death?

Answer. No, sir; but when they spoke of Stevens being convicted by a rebel jury, and of Colgrove as a good man being assassinated, and the sheriff of the county, it was due to everybody that the course of these men should be known.

Question. Could you furnish us with a copy of the paper which contains your published evidence in regard to Colgrove?

Answer. Yes, anything I may have said about him. I have no sort of concealment about it.

Question. In regard to the railroad presidents—Mr. Swepson was the first president of the Western Railroad, as it was called after the organization; was he a conservative or radical?

Answer. He voted for Grant, I understood. He had been an old whig. I had known him well for many years. Some classed him as a conservative; others did not.

Question. Was he classed as a radical?

Answer. No, I do not think he was. He is a man who took no part in politics one way or another.

Question. It was into his hands the bonds first went?

Answer. Yes.

Question. Was he a native North Carolinian?

Answer. Yes.

Question. What was the next road to which bonds were given?

Answer. The Wilmington, Charlotte, and Rutherford road.

Question. Who was the first president of that after the bonds were first granted?

Answer. Dr. Sloan.

Question. Was he a conservative or radical?

Answer. A radical.

Question. Did the bonds go into his hands?

Answer. Yes, I think they did; I am not sure.

Question. Who succeeded him?

Answer. A gentleman from Wilmington; I forget his name; lately appointed.

Question. Was he a conservative or radical?

Answer. A radical also, and a northern man, too.

Question. That is two of the roads. I believe there were six in all. What was the name of the third one, of which Mr. Jones was president?

Answer. Jones was president of the Fayetteville road; that is not the corporate title, however.

Question. Was he the first president after the bonds were directed to be issued?

Answer. I think he was.

Question. Was he a conservative or radical?

Answer. A radical.

Question. What was the fourth road to which bonds were issued?

Answer. There were \$2,000,000 issued to the Tennessee and Ohio road.

Question. Who was president of that?

Answer. Johnson.

Question. A native of North Carolina?

Answer. Yes, sir.

Question. Conservative or radical?

Answer. Conservative.

Question. What was the fifth road?

Answer. The Chatham road.

Question. Who was president of that?

Answer. Dr. Hawkins.

Question. A native of North Carolina?

Answer. Yes, sir.

Question. Conservative or radical?

Answer. Conservative.

Question. What was the sixth road?

Answer. The University road they called it. The bonds were stopped by injunction.

Question. Who was the first president of that?

Answer. A man by the name of Thompson.

Question. Is he a native of North Carolina?

Answer. Yes, sir.

Question. A conservative or radical?

Answer. A radical.

Question. Then, of the six roads, according to your statement, the first presidents were all native North Carolinians?

Answer. Yes, all.

Question. And three of them were conservatives and three radicals?

Answer. Yes.

Question. How are the directors divided as to politics; do you know?

Answer. I am not able to state; in fact, I cannot call who they are.

Question. Was not General Clingman one of the directors of the Western road that got the largest amount of bonds?

Answer. Yes.

Question. Is he a conservative or radical?

Answer. We class him now as a radical, since he has got his disabilities removed.

Question. How was he before?

Answer. Sort of fishy.

Question. How was Mr. Davidson?

Answer. Counted a conservative.

Question. He was a director?

Answer. Yes, sir.

Question. The stockholders elected a portion of the directors?

Answer. Yes, sir.

Question. The rest were appointed by the governor?

Answer. Yes, sir; the preponderance appointed by the governor; two-thirds.

Question. One of the directors was made president?

Answer. Yes, sir.

Question. Taking this thing as you have stated it, how do you account for the boards electing three from the conservative party? You said that Governor Holden took care to appoint all the directors, and they would elect the men he had picked out before hand for presidents?

Answer. Yes, that was the general rule. I know, in some instances, I have heard of his having done so.

Question. Now it turns out that three of the presidents were conservative; do you say they were in league with Governor Holden?

Answer. No, sir; I say that Swepson and Littlefield were, and Dr. Sloan and Jones.

Question. How about General Clingman and the others?

Answer. Well, his account of it was that he was acting as counsel for them, and they were indebted to him for his services. I have never been able to get at it. Clingman says he acted as counsel for Littlefield and Swepson.

Question. Were not a majority of the board of directors conservatives?

Answer. I do not think they were.

Question. Do you know whether they were or not?

Answer. I know Davidson was a conservative. I cannot now call the persons who were. I know Jones was on one board, but I do not know who his co-directors were.

Question. Was the financial part of the arrangement for carrying on the public improvement system anything at all of a partisan business?

Answer. The whole plan was to swindle and defraud from beginning to end. It was not to do the work.

Question. Both parties took part in it?

Answer. There are some who voted the conservative ticket who took part.

By Mr. RICE:

Question. Was it not a proceeding in which the conservatives and radicals took part?

Answer. There was nothing in the world done; the Governor could have checked it at any time.

By Mr. BLAIR:

Question. Was not there a great preponderance in the legislature of radicals?

Answer. Yes, sir.

By the CHAIRMAN :

Question. If the presidents of the board of directors furnished to the governor the certificate required by law, could he do anything otherwise than issue the bonds ?

Answer. Not under the law ; he was required to do it.

Question. Whenever they furnished a certain certificate of the stock subscribed, and the organization of the company ?

Answer. Yes ; but the whole matter had been manipulated before by the legislature. Swepson had bought them for \$241,000 or \$242,000.

By Mr. NYE :

Question. He was a conservative ?

Answer. Voted for Grant, I have understood.

Question. Was he not counted a conservative in the board ?

Answer. I do not know how they regarded him. I only know he was an old whig, and heard he voted for Grant. But the purpose was not to build the road, but to swindle the State.

By the CHAIRMAN :

Question. Of the six names of presidents of the roads, are we to understand that the three you have named as radicals were Sloan, Jones, and Thompson, and that those three were corrupt ?

Answer. Jones and Sloan, yes, I have mentioned before as corrupt in money transactions.

Question. The three radicals ?

Answer. Now don't make me say three—I say Jones and Sloan.

Question. The first was Swepson, the second Sloan, the third Jones, and the fourth—

Answer. Hawkins.

Question. What was he ?

Answer. A conservative.

Question. The fifth was the Chatham road and the sixth the University road ?

Answer. They never went into operation ; they were stopped by an injunction.

By Mr. BLAIR :

Question. Was it not perfectly well known, and does not the testimony disclose, that although these bonds went first into the hands of Swepson, they afterward lodged in the hands of Littlefield and he was the principal party in that road ?

Answer. Yes ; Littlefield and Swepson have been the prime movers in one of the roads.

Question. What was Littlefield ?

Answer. A carpet-bagger.

By the CHAIRMAN :

Question. Now, upon the question of the tax in that township, which you say was so grievous to the tax-payers when the negro barber was elected, had they a school in operation in that township ?

Answer. I do not know ; it was sixty miles from me, or more.

Question. Do you whether the tax was for school purposes—for building a school-house ?

Answer. I do not. The gentleman who gave me the information paid \$37 50 tax and had his horse sold. He stated that they had made no account or return of what they had done with the money.

Question. You did not learn for what purpose the tax was levied ?

Answer. No.

Question. Because the officer in the township was a negro, rather than pay his tax, he permitted his horse to be sold ?

Answer. Not the officer's, but the tax-payer's, horse was sold by a negro constable.

Question. A barber was elected a township officer and he laid the tax ?

Answer. Yes, a sculawag.

Question. And a negro constable had a warrant to collect the taxes ?

Answer. Yes.

Question. Just because there was such a man to enforce the law this man permitted his property to be levied on, and bought it in himself ?

Answer. I do not know the motive.

Question. Did he allege that the tax was illegally laid ?

Answer. I did not hear him speak of the legality of it.

Question. The officers were properly elected ?

Answer. I have no doubt they were ; take that for granted.

Question. Is that a fair specimen of the feeling that exists in regard to negroes ?

Answer. Well, how ; in this matter ?

Question. That a white man would rather resist ?

Answer. O, he never stated that a negro was to collect it.

Question. You asked him why he did this and his answer was, "Just for the moral effect—rather than pay a tax levied by a negro."

Answer. No, not levied by the nigger. We are at war with the township system; we don't want it at all. I asked him why he did not let it go without having his horse sold, and he said, "If I had put my hand in my pocket and paid the money, there would have been an end of it, but I had my horse sold by the nigger constable for township taxes for the moral effect it would produce." It was the township tax he was opposed to.

Question. What about the negro constable?

Answer. It would be regarded as an outrage in your State to have a negro magistrate from North Carolina settle down and levy a township tax on you.

Question. Is that a fair specimen of the feeling toward the negroes who are elected to office in your State?

Answer. I do not know that it could be said to be fair or unfair. Whether it was a white man or a negro, it was all the same to this man. He didn't want to pay under anybody, because it was a township tax.

By Mr. BLAIR:

Question. Was not the objection to paying this tax because it was a township tax levied by one or two officers of the township? Was not the objection to the fact that the prerogative of levying taxes was in the hands of one or two officers of the county?

Answer. Yes, that was the purpose; and we are making a political issue now upon the township system. We don't like it.

Question. Was it, among other things, for the reason that the township organization gives the township officers the power to levy taxes?

Answer. Yes, they have men odious to the people. One of the township officers at Raleigh is indicted for perjury.

By the CHAIRMAN:

Question. Where negroes are legally elected in pursuance of the law of the State, are they odious as officers?

Answer. Oh, they would rather have white people there, as a matter of course.

Question. Would you say they are odious?

Answer. No, no; there are some of them who go along and do their business; they are not odious because they are officers at all. In fact, where there is a majority of negroes I have been always advocating to have negro officers, not white men.

By Mr. NYE:

Question. You have said that the negroes were ignorant, and easily led away?

Answer. Yes; a majority of the negroes of the South.

Question. Have you a large class of very ignorant white people in North Carolina?

Answer. Well, we have some men who don't read and write, as I suppose you have in your State.

Question. What is the percentage of that class in North Carolina by the census of 1860?

Answer. I do not remember.

By Mr. RICE:

Question. You have spoken of the republicans generally as being a pretty bad set; which are the worst of the three classes into which you divide that party—the carpet-baggers, the scalawags, or the "niggers"?

Answer. Well, I never make any choice of stinking fish.

Question. All bad?

Answer. No, they are not all bad.

Question. As a class?

Answer. No, they are not all bad.

Question. How is it with them as a class; are they good or bad?

Answer. Well, the niggers are ignorant; the carpet-baggers are shrewd fellows who come down there to live by their wits and not by their work; and the scalawags, four of them who are on the ticket now, the governor, Judge Dick, Judge Thomas, and Judge Starbuck, were signers of the ordinance of secession; some hundred of them, perhaps, educated gentlemen who have gone for the leaves and fishes, the offices and places; perhaps one hundred and fifty or two hundred natives, and they are busy working the negroes in the political field.

By Mr. NYE:

Question. You don't regard any member of the republican party as working upon a principle?

Answer. Very little of it down South; in North Carolina I speak of.

By Mr. RICE :

Question. Did the carpet-baggers come there before or since the reconstruction, mainly ?

Answer. We don't count the men who have been there before the war.

Question. I mean before reconstruction, but since the war.

Answer. They came in, a great many of them, with Burnside ; followed the army.

Question. When the State was entirely democratic ?

Answer. Yes ; some of them.

Question. Did not a great majority come before reconstruction ?

Answer. My impression is many of them did ; I know some did not.

Question. Did they not come there with applications to get into some kind of business ?

Answer. A great many of them have nothing in the world ; just hunting for office and place. Those are what we call carpet-baggers.

Question. Before reconstruction they were hunting for no offices, because there was no chance for republicans at that time. Now what was their business between 1865 and 1867, prior to reconstruction ?

Answer. I suppose it was to look around and see where they could find soft places ; may be to steal. I cannot tell.

Question. You know their motives were bad ?

Answer. No, some of them came for work and I gave them a hearty welcome, glad to see them ; but those that settled down in counties with a big nigger majority and took up politics for a trade, I did not care how soon they——

Question. I mean those who went there before reconstruction commenced ?

Answer. We would welcome any man that came there to go into business.

Question. What was your idea at that time ; that they had come there for evil or good purposes ?

Answer. Some of them came for good purposes, for work ; these northern men that went to work have been well received and well treated.

Question. Did not the prejudice against these carpet-baggers arise after reconstruction commenced, and before they took hold of politics ?

Answer. There was some talk about them before, of course.

Question. When did the term scalawag become a reproach, or when did they commence to apply it to the natives ?

Answer. I cannot remember.

Question. Before reconstruction ?

Answer. I do not remember whether it was before or after ; it was pretty early.

By Mr. NYE :

Question. Did not that term originate when persons who had been in the rebellion, for instance, began to espouse the republican cause after the war was over—when they began to fall in and agree with the reconstruction measures ?

Answer. I do not remember its origin.

Question. When did you yourself first apply it ?

Answer. Nor when it was first applied.

By Mr. RICE :

Question. There was no fight made on the carpet-baggers or scalawags until the reconstruction acts ?

Answer. There was not until the carpet-baggers started for office.

Question. That was after reconstruction commenced ? None of them ever ran for office before ?

Answer. (A pause.) Yes, they did ; we had carpet-bag candidates.

Question. Did you have any election till after reconstruction ?

Answer. Yes, we had elections under the provisional government.

Question. Was there any fight made upon either the scalawags or carpet-baggers until reconstruction commenced as such ?

Answer. I do not remember, but I know carpet-baggers were candidates before reconstruction.

Question. Were they fought on the ground that they were carpet-baggers ?

Answer. I do not remember. There were none in my immediate section, and I was not editing a paper at the time to observe how it was from the newspapers.

WASHINGTON, D. C., February 27, 1871.

N. A. RAMSEY sworn and examined.

By the CHAIRMAN :

Question. Where do you live ?

Answer. In Pittsboro, Chatham County, North Carolina.

Question. How long have you resided there ?

Answer. Nearly all the time since I was born, forty-three years.

Question. What is your occupation?

Answer. A farmer.

Question. What knowledge have you of disturbances of the public peace or destruction of property that have occurred in Chatham County in the last two or three years, and the effect they have had on the public security?

Answer. There have been some disturbances there of different kinds, by whom committed I do not know, except from hearsay. Very recently there have been several houses and barns burned in the county. I know nothing of that except that some of the parties were tried at the special term of the last superior court, and were convicted, and are now in the penitentiary. All of them were negroes.

Question. How many were tried?

Answer. Only five. I have brought the papers with me, and the certificate of the clerk of the court.

Question. A certified copy of the records?

Answer. Original papers.

By Mr. BAYARD:

Question. Will you produce them?

Answer. Yes, sir. (Produces several papers, which are returned to witness at the close of his examination, and at the request of Mr. Bayard witness promises to forward certified copies of the same to the committee.)

By the CHAIRMAN:

Question. These you say are original papers from the record?

Answer. Original papers from the magistrates; they were introduced in the trial as evidence against the parties.

Question. You are not the clerk of the court?

Answer. I am not.

Question. Do these papers contain the evidence taken in the case?

Answer. They contain the evidence taken before the justices of the peace, and the certificates that those men were acting justices of the peace for the county of Chatham.

Question. The person before whom the testimony was taken?

Answer. Yes, sir; the preliminary testimony.

Question. These papers relate to persons who were arrested charged with the burning, tried, and convicted?

Answer. Yes, sir; one of them was sentenced for seven years, two for twelve years, and two for twenty years.

Question. Have there been any other cases in which person or property have been attacked in Chatham County?

Answer. There is a recent case that was in the courts, upon investigation, when I came away, of a negro that was shot, and he shot a white man; the trial was still on when I left, in Chatham County.

Question. How was the negro shot?

Answer. I do not know except from hearsay.

Question. Do you know anything about the cases you have brought in here except what is contained in the papers?

Answer. I know something because I was present at the trial.

Question. You were not present at the trial that is now in progress?

Answer. I was not, because that was in Raleigh.

Question. Is it before a court?

Answer. It is before a United States commissioner.

Question. What is his name?

Answer. Shafer.

Question. Was this negro alleged to have shot a man in disguise?

Answer. Yes, sir.

Question. Was he arrested?

Answer. There was a process against him; the sheriff had it, and had arrested one; in the mean time, while he was trying to get the others, a deputy marshal came up and carried them all to Raleigh.

Question. Were the persons in disguise what are popularly known as Ku-Klux?

Answer. That is what the negro said.

Question. You speak of white men?

Answer. The negro shot one and said he was a white man.

Question. When was that?

Answer. The same night the negro was shot he shot one of the parties.

Question. Was the white man who was shot identified?

Answer. He was in Raleigh and bound over, so I heard, to appear at court. He was shot pretty badly. He was a man of no character. There is not a man of character in the county of Chatham—and I know every man in it—that indorses any outrage, no matter from what source it may come.

Question. Are these the only cases of outrage you have known, or that have come to your knowledge in the county in the last two or three years?

Answer. No, sir; in October, 1869, another case occurred, and it was disposed of in the November term, 1870. I have the papers in that case. Some young men had been out to meeting in the country, and they were waylaid and fired at by a band of negroes. Some seven or eight of the negroes made their escape before evidence sufficient could be found to arrest them. Five were arrested and tried. Mr. Manning, member of Congress, appeared for them, and they were acquitted. The other eight fled the country.

Question. Do you know of any other cases?

Answer. At what time?

Question. Our purpose is to inquire into the condition of security for person and property since the close of the rebellion?

Answer. As far as the security of person and property is concerned it is just as safe there now as before the war.

Question. Is there any difficulty in that county in arresting and bringing to justice persons who are charged with the commission of crime?

Answer. None in the world—never has been.

Question. Either white or black?

Answer. Either white or black. In February last year I got a letter, not directly from Governor Holden, but from a friend that was in Raleigh, who was very intimate with him. There had been some disturbance going on in Chatham, and it was in rather an unsettled condition. I am personally friendly with Governor Holden, though we never agreed in politics. He told this friend of mine that he would like to have me take charge of the county of Chatham; he had an idea of sending the militia there. I received this letter and did not know what to do about it. I consulted with my friends—Mr. Manning among them, perhaps 25 in all—and they advised me to accept the commission. So I went to Raleigh the next morning and took the commission as captain of the State militia, from Governor Holden. I went and spoke at 50 different places in the county, and there was no disturbance at all. There had been some little.

Question. What were the disturbances that produced the unsettled state of affairs?

Answer. There had been some negroes whipped and some white men.

Question. What was the date of your commission?

Answer. I think it was February 3, 1870.

Question. What was the date of the disturbances that left the county in rather an unsettled condition?

Answer. A few months before that there had been some negroes and white men whipped in different parts of the county.

Question. To what extent?

Answer. Very little; but it went further than any of the good citizens there wished it to go. There was nobody approved it, of any respectability.

Question. Was it done by persons in disguise and in the night?

Answer. I cannot tell.

Question. I suppose you investigated the matter?

Answer. I did, the best I could.

Question. What was the information you derived?

Answer. That they were in disguise.

Question. How disguised?

Answer. I did not inquire about that and did not hear. They were so that you did not know them—sometimes black—first one way and then another; I cannot tell how.

Question. Were they in large numbers?

Answer. No, sir; sometimes in squads of five and ten, sometimes two or three, and sometimes fifteen or more; but no large numbers.

Question. Does that apply to the whipping of both white and black men?

Answer. Yes, sir.

Question. Give us the names of the white men you heard of being whipped before your appointment.

Answer. A man by the name of Burke was whipped.

Question. What is he?

Answer. A farmer; used to be a confederate soldier.

Question. What was he whipped for?

Answer. God only knows. I don't.

Question. What was the alleged cause?

Answer. Some little feeling between him and his neighbors—for some reason or other. I do not know.

Question. What other white man?

Answer. A man by the name of Charles Bright.

Question. What was the alleged cause?

Answer. I understood it was being rather too intimate with some other woman besides his wife.

Question. Any other white men whipped?

Answer. There were one or two other white men whipped, but I do not remember—yes; a man by the name of Thomas.

Question. For what cause?

Answer. For the same cause—fornication and adultery.

Question. Any other?

Answer. There may be one or two others, but I do not remember them now. This man Thomas, I cannot say positively what he was whipped for. He belonged in my command during the war and was a very good soldier. I think I heard it intimated that that was what he was whipped for. He told me he was whipped and said he did not know what it was for.

Question. Were you in the confederate service?

Answer. I was, all the time.

Question. Are these all the white men you remember being whipped prior to your appointment?

Answer. Yes, sir; all I remember now; there were more, I have no doubt.

Question. Did you hear of others?

Answer. Yes, sir; I am sure I heard of others, but I cannot call their names.

Question. How many colored men were whipped?

Answer. I suppose there were half a dozen or more.

Question. Can you name any of them?

Answer. No, sir; I do not know the names. Yes, I know the names of one or two, but I did not know them. One is named Luke Wilson, and another, Wright Farrington.

Question. What was the alleged cause assigned for whipping either of them?

Answer. I do not know what they were whipped for. My idea is, they did not have any cause generally; that they were a disorderly set of men who got drunk and would go around and whip promiscuously those that they had a little grudge against.

Question. Were these whippings done by white or colored men?

Answer. That I cannot tell.

Question. Have you any information on that subject?

Answer. No, sir.

Question. Were any of the persons who did these whippings in disguise arrested and brought to justice?

Answer. No, sir; we tried to find them out the best way we could.

Question. None of them?

Answer. None of them. While I had command in the county there was nothing of this sort done.

Question. How long were you in command?

Answer. About four months.

Question. Did you resign your command then?

Answer. No, sir; everything got so quiet that it was no use paying me any longer.

Question. Since then these other occurrences of which you spoke have taken place?

Answer. Yes, sir; there have been some few; not many.

Question. Then I understand you that where these whippings have been done by men in disguise no one has been arrested and convicted?

Answer. No, sir.

Question. In some of the cases of barn-burning you spoke of, there were arrests, trials and convictions?

Answer. They made acknowledgments themselves; they confessed it.

Question. Do you consider that a safe state of society when bands of men go through the community in disguise, take out men and whip them, and escape with impunity?

Answer. I do not. I think there were bands of men doing it. There is nobody of any character that has ever been interfered with, and these men that are doing these things are a low-down set of men of no character at all. I do not think there is any politics mixed in it at all. They never cared about the negroes much any way, only they want them out of the way so as to get control of the farms themselves.

Question. You mean those who have been whipped were persons of no character?

Answer. Those that have been whipped and have done the whippings.

Question. How do you know, when nobody can find them out?

Answer. For the reason that every good man in the community denounces all such things.

Question. Are you aware of the fact that in the adjoining county men who stood prominent in society turned out to be members of this organization?

Answer. I am not.

Question. Are you acquainted in Alamance County?

Answer. A little.

Question. Do you know James E. Boyd, a member of the bar?

Answer. Yes, sir; it is not all men that belong to the bar that are very prominent men in society.

Question. How do you undertake to say then that there are no men of character who do these things?

Answer. I am speaking of my own county.

Question. In your county no person has yet been arrested or tried who did these whippings in disguise?

Answer. I have tried myself; used my influence and done all I could. This negro who was shot came and told me about it. He was shot on Saturday night and came to me on Sunday morning. I told him to go to a magistrate and get legal process if he had any idea who they were, and to have them arrested, and I would stand by him until the last. He did give this information, and we had the papers all drawn up and they would have been tried before our court, but in the mean time the deputy United States marshal came up and carried the parties to Raleigh, without, I think, any authority of law.

Question. When was that?

Answer. Only about ten or twelve days ago.

Question. They were carried before the United States commissioner in Raleigh?

Answer. Yes, sir.

Question. How many were arrested for that offense?

Answer. Seven or eight.

Question. Do you know of their being identified?

Answer. This negro swore to them, so I understand.

Question. Were those seven men of any character?

Answer. I know them all very well.

Question. What do you say as to their being men of any character?

Answer. They had very little.

Question. Of the seven that you know had they acted with the conservative or radical party?

Answer. Seven out of the eight were radicals or republicans.

Question. Those who were arrested?

Answer. Yes, sir.

Question. What were the party relations of the man who was whipped?

Answer. I reckon he was a republican; negroes almost all are.

Question. What was the cause of his whipping?

Answer. I heard that they stole a gun from him a year ago that he gave twenty-two dollars for, and they told him he must not have another gun; he got another gun, and they went and took that from him, I understood.

Question. Is there in your county a band of mulattoes, so called, organized?

Answer. No, sir; that is in Robeson County; this band, in our county, was organized for burning houses and barns.

Question. What evidence was there that they were organized for that purpose?

Answer. It is contained in these papers that I have produced.

Question. To what extent did that organization go?

Answer. I do not know; these papers contain all the information.

Question. We cannot stop to read these papers; you say you heard a part of the trial; how far did the organization go? Did it extend beyond the one organization that was developed there?

Answer. The organization existed on the line between Chatham and Wake Counties; I suppose, from the best information, there were some fifty or seventy-five who belonged to it.

Question. Did it extend beyond that one organization?

Answer. This barn-burning business? I don't know; that is the only one I heard of.

Question. Was that the purpose for which it was organized, to burn property?

Answer. So they say; and one of the witnesses says it was done by order of Governor Holden. It is contained in these papers.

Question. Were the persons in that organization all colored men?

Answer. Nearly all; probably one or two exceptions. There were no white men in my county implicated at all. I think there were one or two implicated in the county of Wake.

Question. Implicated by the testimony?

Answer. Yes, sir; I do not know whether by this testimony or not.

Question. Is that the only organization you know in that county that has interfered with persons and property?

Answer. I do not know of any as an organization, and I knew of this only by these papers and by the fruits, the burning of houses.

Question. Have you known anything of the Ku-Klux organization, or otherwise known as the White Brotherhood?

Answer. I have not.

Question. Your county joins Orange and Alamance?

Answer. Yes, sir.

Question. You have no knowledge of the existence of any such organization?

Answer. Only from hearsay; I hear that there is such an organization in the county, and also that there are Union Leagues in the county.

Question. To what do you attribute this whipping you have spoken of? To any organization?

Answer. I suppose it is an organization of men that go out to whip; I do not suppose it is a regular organization; I cannot tell anything about that.

Question. You have spoken of the fact that these men who have been whipped are all bad men; is that the way in which this thing is apologized for in Chatham County?

Answer. No; I did not say that; I said they were not men of much character, men of scarcely any character at all.

Question. Do I understand you; when you say a man has no character, I understand it is not a good one?

Answer. I do not mean to say of no character at all, but these were men not known in the county.

By Mr. BAYARD:

Question. Not men of position?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Is that the way the subject has been spoken of—that these men were whipped because they were men of no character, or of bad character, or of little character?

Answer. I think it is generally looked upon in that way.

Question. That has been the apology for it, has it not?

Answer. Yes, sir; that has been so considered; and if you will allow me, I will state what is the opinion of the governor of the State in regard to the whipping of one man in our county.

Question. If you wish to, state it.

Answer. After I accepted the position as captain in the county I went down to Raleigh and saw the governor about some matters connected with my position there. While there, this man Burke, who was whipped, came to me and said that the Ku-Klux had whipped him like the devil, and he could not stay there; he was on his way to Philadelphia. I told him to go back; there was no danger. He said he was afraid he would be killed if he staid there. I told him there was no danger in the world; that I had charge of the county, and I did not want any troops in it, for I could manage them myself. I left him and went to Governor Holden's office. The governor remarked to me that he wished I had come in a little sooner. I asked him why. He said there was a man there from my county that had been whipped terribly; that he pulled off his shirt, and showed him—cut all to pieces—but, said he, "he married a negro woman, and it's no matter for him; it seemed to do him good."

By Mr. BAYARD:

Question. This was a white man who married a negro woman?

Answer. Yes, sir. The governor said, "It is no matter for him, and the best part of the joke is, that Mac (meaning Macdonald, a friend of his) married him."

Question. Who is Macdonald?

Answer. A magistrate and justice of the peace.

By the CHAIRMAN:

Question. Was that the fact?

Answer. Yes, sir; he had married a black woman, and the supreme court decided it was not lawful. He was arraigned at the last term of the supreme court for living in adultery with this woman, and he got clear. He was whipped, no doubt, by a parcel of boys in the neighborhood. His family was very respectably connected; his mother, unfortunately, gave birth to him without being married. They did not like his conduct, and I suppose the boys, in a drunken spree, just whipped him. I do not suppose it was the League, or the Ku-Klux, or any political society whatever.

Question. Is it your impression that there is any such organization as the Ku-Klux existing in Chatham County?

Answer. I think there is something of that sort, called by some name or other; I think there is no doubt about that; but I have no idea that there ever would have been any if it had not been for the Leagues. They forced them into it; there is no doubt about that.

Question. Do you know of any instances in which the Leagues, as an organization, countenanced or excused any violence?

Answer. I do not know of any good people in the county who countenanced or excused it on either side.

Question. Have these men who have been whipped generally been of one political party, or of both?

Answer. Both; I think they have been mostly extreme radicals.

Question. With which party have you been identified yourself?

Answer. I have been a democrat ever since the war. I was always a whig before the war.

Question. Has there not been a disposition on the part of the conservative party, where those whippings are alleged to have been done by the Ku-Klux, to apologize for them, or screen them by speaking of the character of the men who are whipped, as you have done to me?

Answer. No, sir; there is not.

Question. Has either party apologized for, or have both denounced them?

Answer. They have both denounced them; I know this to be the fact; I have a right to know it because I have been all over the county.

Question. To what do you attribute the fact that no one of those disguised persons has ever been brought to justice for these numerous whippings?

Answer. It is a very difficult matter to identify a disguised man; that is just the difficulty; that is all.

Question. Where there are so many persons joined together committing these outrages in disguise, can they be accounted for in any other way than by a secret organization, the members of which protect each other from discovery?

Answer. Well, of course, if you and I were going in disguise I would hardly tell on you, and I wouldn't expect you to tell on me; but whether there is any real organization I do not know.

Question. Have you had any connection yourself in that county with any secret organization?

Answer. I belong to no secret organization in the world except the masonic order. I do not believe in them, do not think they are right, think they are dangerous to the interests of the country.

Question. I suppose your people generally are coming to that conclusion, are they not?

Answer. The good people of our country have always been that way—not only coming to, but are so.

Question. Have not a large majority of the white men in many counties gotten into this organization?

Answer. I do not know about that; there are very few counties that there have been many disturbances in.

Question. Have you given us all the knowledge you have bearing upon this general question?

Answer. All that I remember now; there are probably a good many little things that I could call to mind.

By Mr. BAYARD:

Question. You say you were applied to by Governor Holden to take a commission from him as captain of the State militia for the purpose of examining into the condition and keeping the peace of the county in which you live. Did this lead you to investigate that county pretty thoroughly?

Answer. It did. I went all over it from one end to the other. For the past four years I have been twice a candidate for the legislature, and have been twice defeated.

Question. I understand in the course of this matter that you became aware that men were banded together, and on the one side were the Loyal Leagues; will you describe who compose the Loyal League, mainly?

Answer. They were mixed; mainly negroes, however; they all belong to it.

Question. Was that understood to be a State organization; that is to say, beginning in counties and then extending through the State?

Answer. I do not know; I reckon it was.

Question. Is that your understanding, that the Loyal Leagues were formed in the counties and then extended into the State?

Answer. Do you mean whether they originated in the counties?

Question. Yes, sir.

Answer. O, no, sir.

Question. Describe their character.

Answer. I understand them to be strictly political, and that they came from Washington City, the headquarters, and were sent down to Raleigh, and from there scattered out.

Question. Who was the head of the Union League in North Carolina?

Answer. Governor Holden; he held me as himself.

Question. Had they not these Leagues in every county?

Answer. I don't know; they had them in Chatham County, and I suppose they had them in all the counties.

Question. They embraced the whole body of the blacks?

Answer. Yes, sir; nearly entire.

Question. Did you ever hear what was the number of the organization in the State?

Answer. No, sir. I may have heard, but I do not remember.

Question. Was it a secret organization?

Answer. Yes, sir.

Question. Bound by oaths?

Answer. So understood.

Question. Did they have signs and pass-words?

Answer. So said; I have seen the book they were said to work by.

Question. What was this organization—to burn barns and houses? of whom was it composed? what was discovered in regard to the extent of the organization?

Answer. Do you mean with regard to the character of the people?

Question. What were the disclosures? what did it turn out to be?

Answer. It turned out to be twenty-five or fifty or more men, almost entirely negroes, and was, so they said, for the purpose of burning barns and houses of the Ku-Klux, or those who were said to be Ku-Klux.

Question. Did they describe themselves as acting under the order of any superior authority?

Answer. They were organized into a company, and one of them was captain. They had to obey the orders of the captain under penalty of death—that is, if they revealed anything.

Question. Did they say that when they set fire to a place, some were stationed to shoot anybody who came to save the building and put out the fire?

Answer. Yes, sir; two of them.

Question. Did any of them say they acted by the order of any person of high authority?

Answer. Yes, sir; according to the testimony of one of them it was by order of Governor Holden.

Question. That was sworn to in their own confession?

Answer. Yes, sir.

Question. This man's name is what?

Answer. Wilson Dewet. It is dated December 19, 1870.

Question. Which was organized first, the Loyal Leagues, or what are called the Ku-Klux?

Answer. I never heard anything of the Ku-Klux until eighteen months ago; the League has been there ever since the close of the war.

Question. Had the Ku-Klux any political signification, or were they a band of men retaliating for this character of disorders you have been speaking of?

Answer. It was only for the purpose of retaliation and protection of person and property; that was my understanding.

Question. And had no political significance?

Answer. No political significance whatever.

Question. Did the bulk of the law-abiding men of your county disapprove of this method of taking the law into their own hands under a secret organization?

Answer. O, yes, sir.

Question. Was that disapproval confined to any political party, or did it extend to both?

Answer. It extended to all; all the good citizens of the county, of both parties, disapproved of it.

Question. What is the condition of the community in Chatham County as to the safety of person and property at this time?

Answer. It is as good as it ever was.

Question. Do you consider and do you believe that every man there can have his rights before the law, reasonably and fairly?

Answer. I know it.

Question. Do you believe that any of these political organizations will defeat public justice in the sentiment of your county?

Answer. No, sir.

Question. Do you consider the civil law and the civil authority in that county sufficient to maintain order and security?

Answer. Entirely so.

Question. Have you any doubt on that subject at all?

Answer. None in the world; there has never been the least resistance.

Question. You have been asked what was your belief in regard to the existence of this Ku-Klux organization, as it is called. Have you any knowledge or idea of the extent of the organization?

Answer. Do you mean in Chatham County?

Question. Yes.

Answer. No, sir; I have not.

392 CONDITION OF AFFAIRS IN THE SOUTHERN STATES.

Question. Is it a wide-spread organization, or is it merely a small gang or body of men?

Answer. I do not know; I have no idea of the extent of it. At one time there were supposed to be a great many on the north side of the Haw River--at the time I took the commission from the governor. But since that time there has been no disturbance there whatever, or no evidence, from the fact that there were disturbances there, of the existence of the organization even on that side of the river.

Question. Have you any reason now to believe that this organization, or any organization known by the name of Ku-Klux, now exists at all in your county?

Answer. I do not know of any such organization in the county; I know of none such; there is none in my town, or in my immediate neighborhood.

Question. Would you not, from your position as captain of the militia there, be apt to know of the existence of such an organization, if one existed?

Answer. I think so.

Question. Would any one there be more likely to know of it than yourself?

Answer. I think not; I do not think there is any such organization there. I am not a member of any secret political society whatever. If there is a secret political society in the county I do not know it.

Question. You have said that these gangs that existed there were composed of men of no character; do you mean by that that they are men of obscure position in society?

Answer. Yes, sir.

Question. Were there any men of recognized position in society who have had anything to do with them?

Answer. No, sir; none that I know of.

Question. I will ask you in regard to the conservative party in your county; was there in that party anything like palliation of this order or approval of its conduct?

Answer. No, sir.

Question. Have you not heard such orders and their conduct universally denounced?

Answer. Always.

Question. You have spoken of the destruction of property, of barn burning, by these gangs of colored men, said to have been organized for that purpose; do you know whether they were disguised?

Answer. I do not know.

Question. Did their confessions state the fact as to whether they had disguised?

Answer. I never heard the whole of the evidence, and I never read a quarter of these papers I have here. I do not know whether they had any disguises or not. I do not think, however, there was any evidence to that effect.

Question. Was this barn burning a matter of frequent occurrence?

Answer. Only recently.

Question. Did the barns burned contain the entire crops of the parties for the year?

Answer. All that they had not used, I suppose. They generally put all their crops in their barns.

Question. Was the effect very serious to the men whose property was thus burned?

Answer. Certainly; almost ruinous to them. They were generally poor men, who lived on their little farms.

Question. Depending upon their crops for their support?

Answer. Yes, sir.

Question. And the barns burned contained the whole of their year's crop?

Answer. Yes, sir.

Question. And this you say was of very frequent occurrence?

Answer. Several barns were burned recently, and there was a regularly organized band for that purpose, as they stated.

Question. Has there been any difficulty at any time in serving the processes of the courts in your county?

Answer. No, sir; neither before the war, nor during the war, nor since; no difficulty at all.

Question. Is there any difficulty in convicting a man who violated your laws on a fair trial?

Answer. No difficulty in the world.

Question. No difficulty in having a man convicted that should be convicted, or in obtaining fair jury trials?

Answer. Not at all.

Question. Was there at any time, under Governor Holden's order, any organization of negro militia in your county?

Answer. No, sir; not in my county.

Question. Any in the adjoining county?

Answer. Yes, sir; in Wake County.

Question. Do you know the number of negro militia in that organization?

Answer. I do not. There is one company down near the bottom of the Wake and Johnston Counties, I understand there are two companies down near

Question. How far are you from Alamance and Caswell Counties?

Answer. Alamance is on the north of us, and so is Orange. Caswell is about fifty miles further north.

Question. Do you know what was the reputation of Colonel Kirk, who was sent there by Governor Holden?

Answer. He had a notoriously bad character as being a bad man every way.

Question. What were the acts alleged to have been committed by him?

Answer. All kinds of acts that a villain and thief could perpetrate.

Question. State some of the crimes you have heard alleged against him.

Answer. I heard that during the war he was upon the western part of our State arresting parties. That of itself amounted to nothing, as a matter of course. But he would commit acts of cruelty upon them after they were taken prisoners. He did not have any idea of honor, but would take things that did not belong to him. He was a bad man generally in every way.

Question. His character, then, was notoriously bad?

Answer. O, yes, sir.

Question. What effect upon the people was produced by his going into the county of Alamance?

Answer. I do not know. I should suppose it would not have had a very good effect upon them. I know there would have been a very bad feeling created in Chatham County if he had gone there.

Question. Do you know what occurred in Alamance County except from hearsay?

Answer. No, sir.

Question. Do you know anything of the large issues of bonds by Governor Holden's administration?

Answer. No, sir.

Question. Do you know anything of the increase of the State debt under Governor Holden's administration, and whether that increase produced dissatisfaction among your people?

Answer. I know the State debt has been increased immensely, and that great dissatisfaction has been produced among the people on account of the great increase of the debt. That was the cause of the great political change there last year, the mismanagement we supposed there had been.

Question. Was there any corruption alleged to have been connected with that mismanagement?

Answer. Yes, sir; some corruption. That is what I started to say.

Question. Who were the parties supposed to have been benefited by it?

Answer. The persons in power; those who had the control of the wires, from the governor down. Whether or not they were really connected with it I cannot say.

Question. Have you in your community any schools for the education of colored children?

Answer. Yes, sir; there is one in my town, not more than a hundred yards from my house.

Question. Have those schools been disturbed at all?

Answer. No, sir; they have a bell now that I loathed them. They have had it some three years, and they ring it to the annoyance of almost everybody in town.

Question. Is the feeling of the white people down there one of kindness and good will toward the colored people?

Answer. There is nothing but kindness and kind feeling toward the negroes who behave.

Question. Is there any feeling against them because of their color?

Answer. None at all.

Question. You say they are allowed to have their schools, and to conduct them peacefully and without interference?

Answer. Yes, sir.

Question. Have there been any acts of violence toward them as a class or race?

Answer. None whatever. There was one thing I would state; there was a little school-house that was burned—by whom it was burned, or how, I do not know; it was supposed to have been set on fire—away in the western part of the county, two or three years ago, a colored school-house; the cause of that I do not know anything about. But this school in my town is in a very flourishing condition; it has about fifty or sixty scholars and a young negro woman has been teaching it, and getting along very well. She has given several exhibitions there, and a great many white people have come to them, I went to one myself.

Question. Is there any disposition on the part of the white people to interfere with the schools in regard to their teachers?

Answer. No, sir; I do not know of any such people, themselves, any disposition to interfere with the schools in regard to their teachers.

Question. Do you know of any persons who have been guilty of such acts of violence toward the schools as you have just mentioned?

Answer. No, sir; I do not know of any such persons, or of any such acts of violence toward the schools as you have just mentioned.

the democratic ticket and say that they ought to be killed or whipped, or something of that sort.

Question. Did that make any of them afraid to vote the democratic ticket?

Answer. It did some of them.

Question. Was that fear because of the intimidation practiced by these leagues?

Answer. They said they were sworn to vote that way; I have heard them say that repeatedly.

Question. Was that a part of the obligation of the Union League?

Answer. I suppose so; I have been a candidate there twice for the State legislature, and I have a negro man living with me who voted against me both times, and he is living with me now. I never said a word to him about voting; I admired him for voting as he pleased—it made no difference with me.

Question. Do you consider that a black man is just as free to vote against his employer there as he would be in any of the Northern States?

Answer. As free there as in any place on the globe; as free as I am or anybody else.

By Mr. RICE:

Question. You speak of barn burning in your section of the country. Can you tell how many barns have been burned in Chatham County?

Answer. Those parties were tried for burning the barn of Mr. Mims; and one of them who was tried there made acknowledgment of burning Mr. Boylan's barn, and was sentenced to the penitentiary for seven years. Those are the only two barns I know of having been burned in the county.

Question. When was that?

Answer. Early in December.

Question. This last December?

Answer. Yes, sir. There were several barns burned in Harnett and Wake Counties, all near about the same thing as in Chatham, but a little over the line.

Question. When?

Answer. About the same time.

Question. Was there any difficulty in executing the law against those who burned barns?

Answer. There is no trouble against executing the law against anybody there.

Question. You say the white people are universally kindly disposed toward the colored people. I will ask you if the colored people are not equally well disposed toward the whites?

Answer. The good, of both parties, are well disposed; there are some bad on both sides that are evil disposed toward everybody but themselves. You will find that state of society existing, I reckon, almost anywhere.

Question. How numerous was this order of which you have spoken as being engaged in burning barns?

Answer. I suppose, from the best information I can get, there were some fifty or seventy-five in all—not immediately concerned in it, but they belonged to the society.

Question. Were they organized for that purpose?

Answer. Yes, sir; so they stated; by the order of their commander-in-chief, Governor Holden.

Question. Do you know how many barns were burned in the adjoining counties?

Answer. No, sir, I do not; there were in all about six barns burned.

Question. In the three counties?

Answer. Yes, sir; I think in all there have been some six barns burned; there may have been more, but that many I am sure of—barns and dwelling-houses; I think there was one dwelling-house and probably five barns burned.

By Mr. BAYARD:

Question. Is there anything else you would like to state in reference to this matter? The object of this committee is to ascertain all the facts.

Answer. I was asked a question by Senator Scott if I had stated all I knew about outrages committed there. There may be some things that I cannot think of now. If I had known what questions would be asked me, and had had time to reflect, I could probably have remembered some other little incidents that have occurred on both sides. But I think the account balances pretty well, anyhow.

Question. Have you any acquaintance in the counties adjoining and elsewhere in the State?

Answer. Yes, sir, I have a pretty general acquaintance.

Question. Does your description of the state of affairs, as regards peace and order existing in your county, apply to all the counties around there?

Answer. I have heard of no disturbance at all. I do not think there is any necessity for the intervention of any one Government at any season except that has been in the county of Orange, Dr. Fritz Jones, and the same parties I had in Chatham.

Question. Did you apply for that position?

Answer. I did not.

Question. It was offered to you?

Answer. Yes, sir; and I would not have accepted it but that I was urged by my friends to do so. They thought it was my duty to accept it, because, if I did not Governor Holden would probably send the militia there.

Question. You had interviews with Governor Holden on the subject?

Answer. Before I accepted it I had interviews with him, and told him I would accept it only on condition that I was to take charge of the county and manage it to suit myself.

Question. Were your antecedents known to Governor Holden?

Answer. Yes, sir; Governor Holden has known me intimately for a number of years

WASHINGTON, D. C., February 27, 1871.

WILLIAM W. N. HUNTER sworn and examined.

By Mr. RICE, (acting chairman:)

Question. Where do you reside?

Answer. In Kinston, North Carolina.

Question. In what county?

Answer. In Lenoir County.

Question. Are you at the present time the sheriff of that county?

Answer. Yes, sir.

Question. How long have you been sheriff?

Answer. Since the 9th of May, 1869.

Question. How long have you resided in that county?

Answer. I resided in Kinston in 1850, since September of that year. I have not resided there all the time, however; I was not at home during the war, but in the army.

Question. In which army—the confederate army?

Answer. Yes, sir.

Question. Have you known of any secret organization in that county?

Answer. Not of my own knowledge.

Question. Have you sufficient information to enable you to form an opinion as to the existence of such an organization there?

Answer. If witnesses who have testified are to be believed, I suppose there must be an organization there.

Question. What were the names of the organizations as you learned them; what were they called?

Answer. As I understood from the evidence of those witnesses I have spoken of, it was known as the Constitutional Union Guards.

Question. Did you learn anything about the number that belonged to that order in that county?

Answer. The witnesses gave the names of some twenty-five or thirty in that county who belonged to it; I do not remember how many they said belonged to it.

Question. Were there any outrages committed by the members of that order?

Answer. Not to my knowledge.

Question. From your information?

Answer. From the information of the parties I have spoken of, there were outrages committed.

Question. Of what nature?

Answer. The common jail was broken open, and prisoners in the custody of the sheriff were taken out and released.

By Mr. BAYARD:

Question. What had these prisoners done? What had they been guilty of?

Answer. The two who were released when the jail was broken open at that time were charged with conspiracy, I think; but I will not be positive about that; it was some time ago.

By Mr. RICE:

Question. Conspiracy to do what?

Answer. To overthrow the government of the State is what the witnesses stated, I believe.

Question. Were they engaged in resisting the revenue laws?

Answer. I did not understand about that; I did not understand what it was.

Question. When was that?

Answer. It was in 1869, I believe; the latter part of 1869 or the first of 1869.

Question. Were there who broke open the jail masked, according to the representation you heard?

Answer. I do not know; I never heard about that.

Question. Were there any other outrages committed in the county?

Answer. In January, 1860, the jail, I suppose I might say, was forcibly entered. The jailer, with his keys, was taken to the jail under false pretences; and when he got there he was ordered to open it, so he says; I do not know. I do not state this from my own knowledge.

Question. I understand that; you only state from information derived from others?

Answer. From information from the old jailer. On his arrival at the jail he was ordered to open it. The prisoners were then taken out and carried off; five men were taken out that night.

Question. What was done with them?

Answer. I do not know. They were not seen again until they were found in the river dead; that is, some of them were; I do not know that all of them were found.

Question. Were they colored men or white men?

Answer. There were four colored men and one white man.

Question. Do you know what they had been imprisoned for?

Answer. No, sir.

Question. Have there been any other acts of violence in the county that you have heard of?

Answer. Yes, sir; there were outrages committed, I think, before any I have spoken of.

Question. Of what nature?

Answer. Mr. Miller and his wife, of our county, were murdered; they were white persons.

Question. To whom was that charged?

Answer. A colored man by the name of John Miller was charged with it.

Question. Was he tried?

Answer. No, sir; he was not tried. Another colored man, whose name I have forgotten, was tried and convicted of it.

Question. He was convicted?

Answer. Yes, sir.

Question. Were any parties arrested and convicted who were concerned in breaking open the jail at either of the times you have spoken of?

Answer. Some of them have been arrested, but not convicted.

Question. Have they been tried?

Answer. No, sir.

Question. Have they been indicted?

Answer. Yes, sir; their cases are now pending in the superior court in Wayne county.

Question. Was this colored man Miller, who was charged with the murder you have spoken of, one of the parties taken out of the jail and afterward found drowned?

Answer. Yes, sir; he was one of the parties taken out of jail. I do not know whether his body was ever found.

Question. He was one of those taken out?

Answer. Yes, sir, so I was informed. I do not know these things of my own knowledge.

Question. I understand that.

Answer. It was before my administration as sheriff.

Question. Have there been any other acts of violence committed in the county?

Answer. Yes, sir. Of what nature, if I may inquire?

Question. Whippings, murders, or anything of that kind.

Answer. Yes, sir; Mr. E. P. Loftin was shot in 1858, I think.

Question. Who was charged with doing that?

Answer. This party I have just mentioned, not John Miller, but the other one whose name I have now forgotten; I cannot remember it now.

Question. The man who was convicted?

Answer. Yes, sir; he never was executed, though; he made his escape from jail somehow. I do not know how.

Question. Have other outrages been committed?

Answer. There has been another outrage committed in January last. A man by the name of Jo. Whitfield was killed in that county at night, and a white woman and a colored man were shot.

By Mr. BAYARD:

Question. For what?

Answer. I do not know. A mule of the colored man who was killed was taken, and the horse of the parties who were shot was taken away. I arrested three parties who were charged with the murder, and confined two of them in jail; but upon the preliminary examination they were all discharged.

By Mr. BAYARD:

Question. Was this said to have been done by a secret order, or upon a secret order you have spoken of?

Answer. No, sir; I do not think they were masked; the witnesses did not say that they were masked, as I understood; I did not understand them to say so.

Question. You do not know what they were killed for?

Answer. I did not say they were all killed; one was killed, and the other two were shot, but not killed.

By Mr. BAYARD:

Question. Were the black man and white woman in each other's society at the time they were shot?

Answer. They were living near; in the same yard as it were; but they did not live in the same house.

Question. Was there any charge against them of criminal intercourse, or anything of that kind?

Answer. Not that I am aware of.

By Mr. RICE:

Question. Have you any information that this was done by this secret order you have spoken of?

Answer. No, sir; I have not.

Question. You never heard it charged to them?

Answer. I believe some charge it was the Ku-Klux, and some say it was not; I do not know.

Question. This order is known in the county by the name of Ku-Klux, is it not?

Answer. Yes, sir; it is called Ku-Klux there, and about as many charge it on them as do not.

Question. Do you know any other violations of law, any other acts of violence, in your county?

Answer. I think not; I do not remember any.

Question. There have been no whippings in that county?

Answer. Not that I remember. There has been a mill or two burned; that was all before my administration as sheriff; I have merely heard it; I do not know these things to be so.

Question. Has there been any barn-burning in your county?

Answer. No, sir; the burning of two mills is all the burning I have heard of. In 1867 there was a store burned down in Kinston; some parties were arrested for that.

By Mr. BAYARD:

Question. It was the work of an incendiary?

Answer. Yes, sir; the store was robbed, and then set on fire.

Question. Was anybody arrested for it?

Answer. Yes, sir.

Question. Who?

Answer. Some colored people.

Question. Were they tried and convicted?

Answer. I do not remember; it was some time ago. I do not remember whether they were convicted or not. They were tried, I think, but I do not remember whether they were convicted or not; or if they were convicted, I do not remember what the sentence was.

By Mr. RICE:

Question. Is there a pretty large colored population in that county?

Answer. Yes, sir.

Question. What is their general behavior?

Answer. They generally behave pretty well, I believe.

Question. Has there been any trouble at any time in executing the laws in that county?

Answer. I have had none. One of the parties who was released from the jail resisted the former sheriff, I understand; I have heard he did; I do not know that myself. I have never been resisted; I have never had any difficulty when I could find the parties. The only difficulty I have had has been that I could not find them. You have asked me in regard to disguises. The jailor said that the night they took the prisoners out of the jail, who were afterwards found in the river, all were disguised that night except one man.

Question. The difficulty in executing the laws against those persons was because they could not be identified, I suppose?

Answer. Yes, sir; I suppose so.

Question. The jailor was not able to identify any of them?

Answer. He did not identify but one man.

Question. He identified the one who was not disguised?

Answer. Yes, sir.

By Mr. BAYARD:

Question. You have lived in Lenoir County for three years past?

Answer. Yes, sir; since the war.

Question. And you have lived in North Carolina since 1857?

Answer. Yes, sir.

Question. And you have been sheriff of the county since the spring of 1869?

Answer. Yes, sir.

Question. During that time have you ever had any difficulty in serving processes, and making any arrests that you were ordered to make by writs? I mean has there been any opposition to you, any forcible resistance?

Answer. No forcible resistance.

Question. People would evade you, I suppose; get out of your way?

Answer. That was the only difficulty I had.

Question. How about your juries; are they mixed, white and black?

Answer. Yes, sir.

Question. Do you think that in your county fair trials can be obtained without respect to color, or differences in political opinions?

Answer. Well, sir, there have been some strange verdicts rendered there, I think. I really could not answer your question. It seems to me that I would be willing to stand my chances with a jury drawn there.

Question. Do you mean that there is anything more than the uncertainties usually attending the verdicts of petit juries?

Answer. As I stated in the outset, if these witnesses are to be believed, who have turned State's evidence ———

Question. Do you refer to Mr. James Boyd and those other men?

Answer. No, sir; I never saw his evidence; I do not know that I have ever read it. I mean those parties in our county. It seems to me I would not like to be tried by those men, if I was opposed to them, and they knew it.

Question. Do you refer to what are called the Lenoir County cases, and the witnesses who testified in those cases?

Answer. Yes, sir; the witnesses who testified against those parties.

Question. The parties tried before Judge Thomas?

Answer. Yes, sir.

Question. In 1869, in August?

Answer. Yes, sir.

Question. Is that the class of cases you refer to?

Answer. Yes, sir.

Question. You have given the knowledge derived by you from their examination?

Answer. Yes, sir.

Question. You have no other knowledge than that?

Answer. No, sir.

Question. No personal knowledge of your own?

Answer. No, sir.

Question. Have you any personal knowledge of the organization called the Constitutional Union Guards?

Answer. No, sir; I have not.

Question. Are you able to say how many persons belonged to it, or who they were?

Answer. I do not know that any one belongs to it; I do not belong to any secret political organization myself.

Question. You are not a member of any?

Answer. No, sir; I am not, I never have been.

Question. Do you know anything of an organization there called the Union League, or Loyal League?

Answer. I do not know anything of either of my own knowledge.

Question. All you know of the Constitutional Union Guards is founded upon the testimony of these witnesses in the cases tried before Judge Thomas?

Answer. That is all I know of it.

Question. How about the peace and order of your community; are the people down there pretty quiet and civil toward each other?

Answer. Yes, sir; they are tolerably quiet now.

Question. Peaceable and good neighbors?

Answer. Yes, sir; there is a great deal of political excitement there.

Question. Is there security for person and property in your midst, in your community?

Answer. I could not say that there was not; I think there is, so far as I know.

Question. You have no knowledge of anything to the contrary?

Answer. No, sir; I have not.

Question. Does that extend to people of all classes and of both races? Do all have their rights before the law? Is that your impression?

Answer. Yes, sir.

Question. Did you ever hear down in that country of a man by the name of Tom Willeford?

Answer. Yes, sir; I have a bench warrant for his arrest now.

Question. Tell us about him.

Answer. He is one of these parties.

Question. Have you ever seen him?

Answer. Never since I had a bench warrant for him from Judge Thomas, and a capias.

Question. What is he charged with?

Answer. With conspiracy against the government of North Carolina; with breaking open the jail and releasing these two prisoners.

Question. Was he concerned in that?

Answer. Yes, sir; he is one of the twenty-five or thirty that those witnesses gave the names of as belonging to this organization.

Question. What was Willeford's character down there?

Answer. I do not know; I do not know anything about him.

Question. Do you know his character for good citizenship?

Answer. I do not know anything about that.

Question. Do you know his character for truth and veracity?

Answer. No, sir, I do not.

Question. Do you know whether he was a reputable or a disreputable person?

Answer. I do not know anything about him; I merely knew him when I saw him.

Question. What was his occupation?

Answer. Well, I do not know.

Question. Had he any known trade or calling?

Answer. Not that I am aware of.

Question. Do you know what has become of him?

Answer. No, sir; the last I heard of him he was in Cabarras County. I sent the bench warrant there to the sheriff of the county by order of Judge Thomas, and the sheriff arrested him and carried him before Judge Mitchell, I think; but the judge released him for want of evidence, so the sheriff wrote me.

Question. Has there been much horse stealing at any time in your county?

Answer. Yes, sir; there has been a great deal of horse stealing about there; but that was two or three years ago.

Question. Who were concerned in that?

Answer. I do not know.

Question. You do not know any persons who were concerned in it?

Answer. I do not.

Question. It was before the commencement of your term of office?

Answer. Yes, sir; there are some cases now on the docket against parties accused of it.

Question. Was Willeford one of them?

Answer. No, sir; not that I know of.

WASHINGTON, D. C., February 28, 1871.

JOHN KERR sworn and examined.

By Mr. RICE, (acting chairman):

Question. Where do you reside?

Answer. In Caswell County, North Carolina.

Question. How long have you resided there?

Answer. I shall have resided in that county thirty-nine years on the 4th of April next.

Question. Is there any secret political order in that county that you know of?

Answer. There is but one that I have any knowledge of, and that is called the Loyal League, I think.

Question. Do you belong to the Loyal League?

Answer. Indeed, I do not, nor to any other political secret society on earth. On the contrary, I am opposed to them all.

Question. Then all you know about it is from hearsay?

Answer. In regard to the existence of the Loyal League? Oh, I have seen them on public parade. I have only such information as is general beside that.

Question. You know nothing about the secret organization of it?

Answer. Not at all.

Question. Have there been any outrageous acts of violence committed in that county?

Answer. To my knowledge there has been one. I suppose it has now become notorious. A man by the name of John W. Stevens was put to death in that county, by persons to me unknown.

Question. Senator Stevens?

Answer. Yes, sir; a member of the State senate from that county.

Question. That occurred at the court-house at a political meeting?

Answer. Yes, sir; while a political meeting was going on, as I suppose; it was on the day it was held.

Question. That is the only occurrence, of a violent character, that you know of in that county?

Answer. That is the only one I know of. I have heard of some others.

Question. Of what nature?

Answer. I heard of one other person being found dead. I heard, I think certainly of one, and probably of more than one instance, of whipping.

Question. What were alleged to be the causes of these acts of violence?

Answer. So far as the man that was found dead was concerned, I never could learn any cause for it; never heard anybody suggested as the slayer.

Question. Did you hear of any cause for Mr. Stevens's death?

Answer. I have heard a great many conjectures in regard to his death. On one hand it is conjectured that he was slain by his political enemies; on the other hand, it is asserted with equal confidence, that he was slain by his political friends, for political effect.

Question. Made a sacrifice of for political effect?

Answer. Yes, sir; both of these things are alleged.

Question. Which is generally believed?

Answer. That I cannot say.

Question. Which do you believe?

Answer. If it is proper, I will say without hesitation, that I conscientiously believe him to have been put to death by his own friends. That is my opinion, founded on the evidence such as came to my mind. I believe his death was the result of party arrangement.

Question. With or without his consent?

Answer. O, of course he knew nothing of it.

Question. You do not know but he was willing to be sacrificed for the good of his party?

Answer. No, sir; but I would, of course, presume not.

Question. He was not as patriotic as his friends were?

Answer. I think not; however, he may have been equally so.

Question. What was said to be the cause of these whippings?

Answer. I know of no cause being assigned for one of the cases to which I referred. Yes I do, too; it was alleged in the case of two colored persons, who sued out warrants--one by the name of Womack, and the other's name I forget--that they were whipped for stealing; for acts of theft in the neighborhood. The way I became familiar with it was, I was retained to defend those who did the whipping. They were bound over by Judge Tougee.

Question. Is there any organization there in the nature of a vigilance committee?

Answer. None that I know of.

Question. Is there any trouble in executing the law against those who commit theft?

Answer. None in the world.

Question. No occasion, then, to require any acts of violence to put down these things?

Answer. No, sir. Another case of whipping was that of a white man by the name of Jones. I never was able to ascertain what was the particular cause assigned for that. He was a brother-in-law of Stevens. Stevens was accused of being the author of a great many acts of barn-burning in the county about that time, and my impression is, though I cannot and do not say that it is correct, it was generally said that Jones was whipped on account of his intimate connection with Stevens. That is the only impression I have about it. Whether he was whipped or not I do not know. I have heard some doubt expressed about that.

Question. How many barns have been burned in the county?

Answer. I do not know. I have heard of the burning of some barns and other buildings; a number of buildings in my own town of Yanceyville have been burned.

Question. How many that you know of?

Answer. There was a sort of block of buildings, consisting of three tenements, and then another tenement adjoining--you might count it as four or two houses. It was a sort of block, not such as you have in this city, but a pretty large building, with a store in one end, and then in the other end was a wooden building, used as, what some would call a grog-shop, and others a restaurant.

Question. By whom were they supposed to be burned?

Answer. I never heard anybody particularly charged with it. It was supposed to have been done at the instigation of a certain class of men, at the head of whom that man Stevens was supposed to stand.

By Mr. BAYARD:

Question. By the negroes of the Loyal Leagues?

Answer. I could not say that the general impression is that it was done at their instigation; I do not know that that is general; I do not think it is; it may be the impression of two, three or four; I have no right to say there is such a general impression as that. I think it was attributed to different individuals, and that different motives were assigned for it.

By Mr. RICE:

Question. But the burn-burnings generally were attributed to the negroes?

Answer. Undoubtedly, and upon the investigation of Stevens. I will state upon what that impression is founded, if it be proper.

Question. You may state it.

Answer. It was said in the county—I heard it myself, and believed it, from the source from which I derived it—that after he returned from Raleigh, whence he had gone to attend a meeting of his party, he fell in with a man of our county who was returning from market with his wagon, and that he was a little misled by this individual professing to have undergone an entire change of political feeling, and professing to be altogether in sympathy with Stevens and his politics. This man inquired what had been done, and Stevens told him the policy was to begin to burn; that the Ku-Klux had to be put down, or words to that effect. The individual to whom he was thus disclosing his plan remarked to him that in the carrying out of such a scheme as that, they might be mistaken, and might burn the property of some who were not Ku-Klux. He said that it made no difference; that the policy was to burn the property of the very best men in the county. That is a statement I have heard very often. At all events, that statement was made. Very short time after Stevens returned, and not long after that these burnings began; and, singularly enough, the destruction began upon the property of the most excellent and irreproachable men in the county; men not especially odious on account of their politics; men of mild and temperate habits, temperate, I mean, in everything; men of moderate and kind dispositions, never addicted to violence of any sort, or asperity. I will mention the names of Mr. Hinton and General Lee, mild and amiable gentlemen, not known to bear an obnoxious name to any party.

Question. Did you understand from what this gentleman said, that Stevens told him that these burnings were to take place in retaliation for the acts of the Ku-Klux?

Answer. Yes, sir; I suppose that was it. I do not know that any such language was used.

Question. That is the idea?

Answer. Yes, sir; that is my impression.

Question. What is your belief as to whether there has been any such order known as Ku-Klux in your county?

Answer. I have no idea, and do not believe there is any such organization in the county. If there has ever been any Ku-Klux in the county, I think it must have come from a distance. I have a very confident belief that there is no such organization in the county.

Question. Were those whippings done by men that were masked?

Answer. I do not think I ever heard that spoken of in regard to the case of Mr. Jones, but I think they were masked in the case of the colored men. Upon reflection, however, I think they were said to be disguised in both cases.

Question. Were any of the men engaged, or supposed to be engaged, in these whippings ever arrested?

Answer. O, yes, sir; there were men arrested in the case of the colored men, but nobody was ever arrested that I know of, in the case of Jones, and nobody ever accused.

Question. Nobody was ever arrested in the case of Stevens?

Answer. Yes, sir; a great many were arrested.

Question. Nobody ever convicted?

Answer. Nobody ever convicted. I suppose I was arrested for the murder of Stevens, and twenty others of the best men of the county, excluding myself.

Question. Under the civil law, I mean.

Answer. No, sir; nobody arrested under that.

Question. Do you know whether there have been any disturbances, acts of violence, or outrages, in the adjoining counties to where you lived?

Answer. I do not know of any. I have heard of them as everybody else has.

By Mr. BAYARD:

Question. Did you, at any time, represent your State in the Congress of the United States?

Answer. Yes, sir; in the Thirty-third Congress; and I lost my seat by opposition to secret, oath-bound societies. I was tendered a reelection on that condition alone—not that I would join it, but simply that I would denounce it.

Question. That was the Know-nothing organization?

Answer. Yes, sir.

Question. Has your opposition to secret political societies always constantly and conscientiously existed?

Answer. Always, and has been openly proclaimed. I specifically denounced the Ku-Klux and the Loyal League both, again and again.

Question. You have been practicing law for how long?

Answer. Thirty-nine years. For twelve months during the war I was on the bench by executive appointment.

Question. At this time what is the social condition of your county as to the security of person and property of all the inhabitants?

Answer. With the exception of the apprehension we sometimes feel in regard to the barn-burnings which were threatened, I never knew Caswell County to be in a better condition in my life.

Question. Do you consider that all men, without respect to race or condition of life, have their rights secured to them by the laws of your State?

Answer. I do so, beyond all doubt.

Question. Is there any combination known to you to resist the laws of the State or of the United States?

Answer. Undoubtedly not.

Question. Do you believe, from the temper of your people, that such an organization could be created against the Government of the United States?

Answer. I think not.

Question. Were you arrested by Colonel Kirk?

Answer. I was, by one of his subordinates.

Question. By whom?

Answer. By a man by the name of Yates, who called himself a major under Kirk.

Question. Describe your arrest.

Answer. There was a meeting appointed on the 18th of July, I think, 1870, for the candidates for Congress for the district in which I reside to address the people, at Yanceyville. These gentlemen had arrived, one of them the evening before, I think, and the other pretty early in the morning. A large number of people of Caswell County came to hear the discussion. Shortly before 1 o'clock it was announced that a military force under Kirk and Bergen were approaching. About 1 o'clock they reached the village, the force numbering, I suppose, about three hundred, with their banners flying. The meeting had assembled, and the addresses were about to begin, or had begun. I had not yet gone to the court-house. I went out and found the court-house surrounded. After a little while I returned to my chamber, and was sitting there, when a man, dressed in a military coat, and a sword in his hand, came in and asked me if my name was John Kerr. I said it was. He said he came to arrest me. I asked him for what purpose. He said by the authority of General Grant and Governor Holden. I went out with him. At the door I met another military man with a gun in his hand. I was taken to the court-house and put in it, with others that I found had been arrested before me. I was kept in close confinement about three weeks. Afterwards I was paroled, and had to return every morning. My term of imprisonment was about five weeks. I frequently inquired what the charge was against me, and was told by Colonel Kirk that he knew of none, but that he arrested me merely because he was ordered to do so. He remarked that there were others arrested against whom there were charges, and he mentioned the names of some.

Question. From whom were his orders derived?

Answer. He said he was instructed to arrest me at the instance of Governor Holden. I went to Raleigh, after the issuing of the writs of habeas corpus, by Judge Brooks, and was there discharged. I never heard of any accusation against me.

Question. You were discharged by Judge Brooks?

Answer. By Judge Dick, and very strangely, Judge Pearson having issued the writ of habeas corpus in my behalf and that of others.

Question. What became of them?

Answer. Governor Holden refused to obey the writ and Judge Brooks said the functions of his office were exhausted. After that, however, he required Colonel Kirk to return these writs, Governor Holden having addressed a letter to him that he was then willing to obey the writs. We were carried before Judge Pearson, our counsel, however, protesting against it, and without any evidence against me whatever, that I have ever heard, but upon an affidavit which I happened to hear read in court, the substance of which was this: "George W. Kirk maketh oath and saith that he is informed and believes that John W. Stevens was murdered in the county of Caswell, on a certain day, and believes that John Kerr and others were accessories thereof, before or after the fact." That was the bench warrant upon which Judge Pearson had us arrested. My counsel objected to the warrant on the ground of insufficiency, even at the common law, and especially on the ground of its insufficiency under our statute. It was, however, adjudged to be sufficient. A great deal of investigation was had, but so far as I was concerned there was no testimony offered against me, and I was discharged as soon as I was brought before the judge; not discharged however by Judge Pearson himself, but it bore the signature of his associate, Judge Dick. I never heard of any charges against me except two, one that Senator Pool has assigned as the cause of my arrest, and one that Governor Holden assigned, as I have heard through a gentleman of high character. I do not know whether it would be proper to state it or not.

Question. No objection if it tends to throw any light.

Answer. I was informed by a gentleman of distinction in my State, General Seales, that he met Mr. Pool during the last summer in Norfolk, Virginia. It was while I was

in prison. General Seales spoke to Mr. Pool about this matter, and said: "Can you suppose for one moment that Judge Kerr has any complicity in the murder of Stevens?" "Certainly I do not," said Mr. Pool, "any more than you or I have." He then inquired, "Do you suppose he has anything to do with the Ku-Klux?" "No," said Mr. Pool, "I do not believe that even." "Well, then," said General Seales, "what on earth was he arrested for?" The reply was, "Judge Kerr is an imprudent man; he made a speech at Oxford for which he was arrested." Now I made no speech at Oxford, but I did make one at Roxboro, in the adjoining county, in the spring, and it was that to which I suppose he referred.

Question. A public speech?

Answer. A public speech.

Question. Did you at any time in any public speech palliate or attempt to excuse the actions of the Ku-Klux, or any organization of that kind?

Answer. In that speech, which I addressed to my old constituency, I said in substance this: "So far as these Ku-Klux are concerned I suppose of all men in the world I am most strongly committed against it, and against every other secret, oath-bound, political association. You know that well enough." I then remarked that one great objection to these Ku-Klux I heard urged was that nobody could know who they were. I then made some playful remarks which I suppose were the offensive remarks. After denouncing all such societies and speaking of their dangerous tendency, I said, "I have observed one thing in regard to the Ku-Klux; that whenever a man behaves himself as he ought to do, if he is a married man and is found remaining at home with his own wife instead of going off and cohabiting with some colored woman, or if he is not found interfering with his neighbor's pig-pen or hen-roost, he has no very great apprehension of the Ku-Klux. But when a man is discovered to be addicted to these vices to which I have referred, forthwith he becomes desperately alarmed for the liberties of his country on account of the Ku-Klux."

Question. Your remark was not made to encourage or palliate them, but to speak of the other evils of society which the Ku-Klux were alleged to be organized to prevent?

Answer. Yes, sir. I was prompted to make that remark more from a conversation I had had that morning with a colored man who waited on me. He said that some disguised people had come to his house some few nights before and asked him, among other things, if he was a Loyal League man, or some question of that sort, and told him he need not be alarmed, or asked him if he was scared. The colored man said no, he hoped he had no cause for being scared. Then the colored man remarked to me: "I find one thing, that anybody who behaves himself need not be afraid of the Ku-Klux."

Question. It is very proper to state this fact, but my question is more direct. Did you ever know of prominent, influential men, acting with the conservative party, who publicly or privately encouraged or palliated the outrages against law committed by the Ku-Klux?

Answer. Never, never.

Question. Were or were not such societies denounced in public speeches and private conversations?

Answer. Yes, sir.

Question. Was not that the rule?

Answer. Certainly.

Question. Was it not the invariable rule?

Answer. Yes, sir; I think it was.

Question. When you were arrested what was the conduct and demeanor of Colonel Kirk to his prisoners, and his treatment of yourself?

Answer. I am glad you have asked that question; it gives me an opportunity to do justice to him. So far as I was personally concerned he was respectful, except when yielding to the impulse of passion, to which he is very much addicted. He would run into the room occasionally and curse all hands and offer a general insult to all in the room, charging all of us with either having killed Stevens or knowing of it. But whenever he had any direct intercourse with me he was respectful. He told me again and again that he treated me with a degree of respect and leniency that was not justified by his orders.

Question. The orders of Governor Holden?

Answer. His language was, "not justified by my orders." I will do him the justice to say that on one occasion he came into the room, took a seat, and beckoned me to come to him. Then he made this remark to me: "I have been greatly misunderstood and misrepresented. You have always heard me spoken of as a very bad man. I have been slandered. Now I know how to sympathize with you. I know something of your condition. I am myself a married man—have a wife and three children." It is necessary to explain here that my family were peculiarly trusted. I have a grown daughter who is afflicted with disease; my wife was not very well, and I have several small children; consequently my solicitude for my family was great. Colonel Kirk spoke to me very kindly, and told me to go home. I did go home and dine, and instead of sending a guard of privates with me as he did with the other prisoners for the most

part, I was never under any such charge, but officers went with me to my house, which was just across the public square in full view of the court-house. An officer always walked with me, and no guns were paraded over me as was done with the rest. Being treated with that sort of kindness, I could not help being impressed with it. Colonel Kirk said he hoped if I ever was called upon to speak of him in connection with this transaction I would do him justice, and I told him I surely would do so. I have always taken great pleasure in acquitting him of any unnecessary rudeness to me. I disapproved altogether of his violent cursing, denouncing, and damning everybody in the room.

Question. Do you remember his apprehension of some attack upon his forces, and his threats to the prisoners?

Answer. Yes, sir; he came up and said he had reason to believe he was to be assailed by forces coming from Danville, I think, and he said a good many things in that connection. He said, in substance, that if an attack was made on him, the first thing done would be to shoot down the prisoners. I protested against any such barbarism as that, and others protested. He said he should do it, and my impression is, (I have thought a good deal about it, and endeavored as far as possible to recollect the very language,) that he said if any such attempt was made he was instructed to shoot them down. At all events he said first of all he would do it, and finally he said he would not only shoot down all the prisoners, but he would murder every man, woman, and child, and fire the town.

Question. He said it with excitement and anger?

Answer. Yes, sir; with a great deal of excitement and anger. I protested, and Mr. Hill, a fellow-prisoner, said something to him about the usages of war, remarking, "Here are prisoners in your charge; if you choose to be guilty of such an outrage, do it. We have no means of helping ourselves; shoot us." That or something else softened him, for just after that remark he turned around and said: "I will tell you all one thing: if this attack is made, and you will obey my orders strictly, do just what I tell you, I will take care of you if I can." Then he said it would be hard for him to control his forces. I told him we should have nothing to do but obey. He said he would take care of us if he could, if we would obey him, which we promised to do.

Question. Do you know Dr. Roan of your village?

Answer. Yes, sir.

Question. What is his age?

Answer. I think he is in his sixty-ninth year.

Question. Was he one of the men imprisoned?

Answer. Yes, sir.

Question. Was there any charge against him of complicity with the Ku-Klux?

Answer. Never; he was told by Colonel Kirk, in my presence, that there was none.

Question. Do you remember his getting sick while in prison?

Answer. That was his son; he himself was sick too, but his son, who was also arrested, was dangerously ill.

Question. Was not the son a physician also?

Answer. He had a son who was a physician.

Question. Was not young Roan compelled by Kirk to act as surgeon and physician for the prisoners?

Answer. I do not know that he was compelled.

Question. Do you know whether he did, as doctor, attend to the prisoners?

Answer. I think he did to some of them.

Question. Do you know whether the old gentleman was threatened with typhus fever?

Answer. The young man, Robert, was; not the young doctor; he was not a prisoner.

Question. Do you remember his informing Kirk of the dangerous condition of his brother, and his wanting to have him removed under guard, and Kirk refusing to allow it?

Answer. Yes, sir; I heard about it at the time. Old Dr. Roan, who resides at a convenient distance from the court-house, told Kirk that his son was in a dangerous condition; young Dr. Roan likewise stated that he was in a critical condition, and asked that he might be sent down to his father's residence under guard. They just wanted to get him in a chamber where he could have proper care and better attention. Kirk swore he would not do it; said he might stay there and die; he didn't care. I heard it, and I think that was the language.

Question. Was his language to the prisoners constantly of that violent character?

Answer. I do not think it was constantly; it was very often violent. He is a man of exceedingly irritable temper—exceedingly violent when irritated.

Question. Have you any knowledge of the cruelties perpetrated on his prisoners by hanging them up?

Answer. No, sir; I heard from Mr. Wiley, in my county, a statement of how he was treated. It was a gross outrage.

Question. What was done with him?

Answer. He was arrested on the day I was, at his farm, about nine miles distant from the town. This man Bergen found him in the field at the plow and arrested him. He asked to be allowed to go to his house and put on some clean clothes. That was refused, and they undertook to force him; Mr. Wiley is a very mild man except when excited, and when they undertook to force him he resisted. They knocked him down with a fence rail, and then took him and tied him on his horse. Then with a hickory whip they would give the horse one lick and himself one, giving them alternate strokes for several miles. He is subject to palpitation of the heart, and it came very near killing him. When they reached the court-house he complained of palpitation, and wanted to sit down. They would not allow him to do so, but carried him into the room. A physician had to be sent for promptly. He was very rudely and cruelly treated; they confined him there alone, and offered him various indignities; I know nothing of those things except what I have heard.

Question. In practicing law have you had occasion to observe the character of jury trials in your county?

Answer. Yes, sir; and in the surrounding counties.

Question. Do you consider that any man can have a fair trial ordinarily in a civil or criminal case before a jury?

Answer. I think so ordinarily.

Question. Is there not an opportunity under your State laws for the solicitor or prosecuting attorney in criminal cases to move a trial from one county to another?

Answer. Yes, sir; that has been the law ever since I have been at the bar; either party can do it upon proper affidavit.

Question. Can it not be done by motion merely?

Answer. By a recent act of the legislature it can be done by a simple motion.

Question. Can it go all over the State until a county is reached where a fair trial can be had?

Answer. Yes, sir. Heretofore it could only be moved to an adjoining county, but under the new statute the solicitor can have it removed to any county where he deems the State can have a fair trial. That is my understanding of the new statute, but I have never known any case taken under it.

Question. Do you consider that the laws of North Carolina offer to-day to residents in that State complete protection for their rights of person and property?

Answer. I have no doubt of it in the world. We have had persons come into our country from Pennsylvania and New York, who express themselves very much pleased; one just from New York shortly before I left home.

Question. The feeling is kind?

Answer. O, yes, sir. I never knew a more kindly demonstration in favor of it. We have a lady whom I have seen, who, as she said, left Pennsylvania on account of certain disturbances there, and sought peace and quiet in Caswell County. I was struck with that. The general feeling is one of kindness toward new comers, and I have no hesitation in saying that there is no portion of the whole country where, to a well-disposed man who comes for the purpose of merely seeking his own honest fortune, there will be more of genuine hospitality and cordial welcome than in the county of Caswell and in the State of North Carolina generally. Indeed it is the desire, as I think I am fully justified in saying, that immigration should flow into the State—the right sort of men—men of industry and enterprise. We care not for their politics, provided they do not seek to array classes and disturb society.

Question. Have there been among you a number of men from the North who have come there and sought to array classes against each other?

Answer. Yes, we think so—that we have men of that sort from the Northern or Northwestern country.

Question. With what class do they seek to ally themselves politically?

Answer. The colored people.

Question. Seek to stir them up against the whites?

Answer. Yes, sir.

Question. Has that been one of the chief causes of any ill-feeling?

Answer. I think that has been the principal cause.

Question. Was there any feeling of discontent and insecurity among your tax-paying population growing out of the course of Governor Holden and his party in connection with the administration of the finances of the State?

Answer. I think so, certainly—very great, indeed. Our taxes have been very high, our indebtedness greatly augmented, and our revenues squandered.

Question. Was your State debt largely increased after the war, up to 1868?

Answer. Yes, sir.

Question. To what extent?

Answer. I do not know. I do not myself participate very much in such matters. I am very much occupied in my profession.

Question. In what way were the resources of the State squandered?

Answer. I could not say, except as to the general impression. Railroads were projected and bonds issued which were fraudulently used.

Question. Was this one of the chief subjects upon which the late campaign was carried on?

Answer. Yes, sir. The frauds of Littlefield and Swenson are well known—the disposition of State bonds by different functionaries.

Question. Did the people think the continuance of the party in power would lead to financial ruin?

Answer. That is the general impression, I think, of those with whom I cooperate, and of the intelligent portion of the people throughout the State.

By Mr. RICE:

Question. At the time Mr. Stevens was murdered, what was the character of the political meeting?

Answer. It was a meeting of the democratic or conservative party.

Question. You say there has never been any other sentiment than that of condemnation of the acts of the Ku-Klux among the leading men?

Answer. That is the general sentiment; I know of no exception.

Question. Up to the time of those trials, did they not deny the existence of the order—not only yourself, but others?

Answer. Not to my knowledge; I never denied it. I did deny the existence of it in Caswell County, and still deny it. I never doubted the existence of it in the State; but I do not believe it existed in Caswell.

Question. Do you practice in Alamance?

Answer. Yes, sir.

Question. What is your impression about it there?

Answer. My impression is that there are Ku-Klux in that county.

Question. Do you practice in Orange and Chatham?

Answer. No, sir; I practice in Guilford, Rockingham, Caswell, Person, and Alamance.

Question. How about Rockingham and Guilford?

Answer. I have reason to believe from information I have received, and do believe, that there is some Ku-Klux organization in Guilford, and perhaps in Rockingham. I have very little doubt as to Guilford; but as to Rockingham, I could hardly make up an opinion; I know very little about it. In Person County, my impression has been that there were Ku-Klux.

Question. From your information in regard to the order in Alamance County, did leading citizens belong to it?

Answer. Some very respectable citizens of Alamance County belonged to it, I suppose.

Question. Was that organization composed, as far as you have information, entirely of members of the democratic party?

Answer. I know nothing in that regard. I do not know how that may be. These respectable citizens to whom I have just referred, as far as I remember them now, are all of that party; but I could not say that all in that county, who belonged to the organization there, were of that party. You ask me if there were any leading respectable citizens in Alamance County that belonged to the order. I know of several very respectable, orderly, well-behaved gentlemen in Alamance County, who, from all I have heard, I have no doubt did belong to the order; and so far as I know, without exception, they were members of the democratic party.

Question. You say Northern men that have come into your locality have been in the habit of arraying one class against another?

Answer. I did not use that phraseology. I said Northern men *had done* it; not had been in the habit of doing it. All Northern men have not done it. Some of the best men we have in our country are Northern men.

Question. Have they done it any further than the simple organization of the republican party, in trying to get the colored men all to act with that party?

Answer. I think they have gone further than that.

Question. Will you name any Northern men that have done so?

Answer. I think Judge Tourgee has gone far beyond that line of conduct.

Question. Any other one?

Answer. I cannot think of any at present. He is in my own immediate section. I have heard a great deal about different Northern men; but when I am under oath I dislike to speak of matters I have merely heard of. I have never been accustomed to see such evidence allowed.

Question. In political controversies are there not a great many charges of that kind made for political effect?

Answer. That, I suppose, everybody knows; that is the habit, unfortunately, of partisans. But I would like to state what I heard about Judge Tourgee. He is believed to be the author of a letter from Philadelphia—I never heard it doubted—in which he stated that he had been credibly informed by a respectable Quaker gentleman that fifteen colored men were found and dragged out of a mill-pond. He never has been able

to verify that statement. He wrote the letter, and it got into the New York Tribune. I regarded it as exceedingly mendacious; as exaggerating, in a very high degree, the state of crime in his circuit, and as bearing on its face the clear, manifest purpose of merely agitating for political effect. Hence it was I referred to it.

By Mr. BAYARD:

Question. It was forwarded by Senator Abbott to the New York Tribune, and a difficulty occurred as to whether there had not been an alteration in the letter?

Answer. Yes, sir.

Question. Did not Judge Tourgee state that it was altered after it left his hands?

Answer. Yes, sir; there was a contradiction between him and Governor Holden about it. He undertook to explain it by saying that his letter or his figures were misunderstood.

By Mr. RICE:

Question. In the political campaign has there not been some attempt to array the white men against the colored men in North Carolina?

Answer. Not that I am aware of.

Question. No attempt to institute any system by which they were required by their employers to vote their ticket or be discharged?

Answer. If there has been any such effort as that made, I am not aware of it. I would like to state, so far as my own county is concerned—one of the largest slave-holding counties in the State in proportion to its population—that I do not believe there is a class of human beings on this earth more disposed to do right and to behave properly, as a class, than the colored people of Caswell generally. When left alone, and not acted upon by white men of evil purposes, they are kindly disposed; and, on the other hand, I must say that, as a general rule, they have been very kindly and generously treated by the whites—ay, magnanimously treated—when we come to view the fact that they have been under the influence of these bad men, as I conceive them to be. They have been led to vote in almost solid column against us. Notwithstanding that they have been generally employed, they are very well cared for, and they are treated with great kindness. Our people have been very much provoked one way and another, but they have generally never been otherwise than kind toward the blacks; and the colored people are, as a general rule, very well disposed. A great many of them are very poor—very necessitous—and a great deal of stealing is going on among them.

By Mr. BAYARD:

Question. You consider, then, the disposition of the colored population of your county is kindly and good if they could be but let alone by those men who are seeking to inflame their passions against the white people?

Answer. Yes, sir; that is my opinion.

Question. In the course of your professional duties have you defended the colored people and acted in their behalf?

Answer. O, a great deal in my life. I have, myself, a great regard for them.

WASHINGTON, D. C., March 7, 1871.

E. G. READE SWORN AND EXAMINED:

By the CHAIRMAN:

Question. Where do you reside?

Answer. In Person County, North Carolina.

Question. What position do you occupy at present?

Answer. I am associate justice of the supreme court of the State.

Question. How long have you resided in the State?

Answer. I am a native of North Carolina.

Question. Will you proceed and state to the committee your knowledge of the state of affairs in North Carolina, as affecting the security of person and property?

Answer. I think the great body of our people are well disposed toward the Government of the United States, and toward the government of the State, and the observance of law and order.

Question. If there have been any disturbances of the public peace, any violations of the rights of person and property in portions of the state, proceed and state them, and give us your opinion as to whether they have been redressed or can be redressed by regular proceedings in the civil courts?

Answer. I think that almost all the disorders common to society may be redressed there as well as they ever could; but there are disorders there which seem to be beyond the power of the civil authorities.

Question. What are they?

Answer. There is an organization existing, I know, to some extent, and as I under-

stand to a considerable extent, in the State, commonly known as the Ku-Klux organization, which disturbs portions of society, and makes life and property insecure.

Question. Proceed and give us in detail your knowledge of the organization and of its operations.

Answer. I know nothing about it, except what is known to the public, outside of my own county. There have been some disturbances committed in my county by that organization, and I have myself, as a peace officer, attempted to ferret the parties out, but have been unable to do so. Some time during the last spring depredations commenced in the county. They consisted in breaking open houses, taking out persons and whipping them and threatening them. The persons were black and white who were thus outraged. There were not a great many instances, probably half a dozen or more. I tried to have some one make complaint, so that I might issue a warrant and have somebody arrested and make an investigation; but there was a sort of terror prevailing in the community, and no one would make the necessary affidavits; therefore I issued no process. But later in the year, probably in September or October, a man, who had been taken out of his house and whipped, made an affidavit before me. I issued a warrant against four persons whom he named, and I summoned almost the whole neighborhood. I was in hopes, from my acquaintance with the county, and, if I may say so, my magisterial influence, that I could learn all about the organization and break it up. I examined thirty or forty witnesses indiscriminately in the neighborhood, those that I supposed would be most likely to know the condition of things. I ascertained that there were on the night when this man was outraged some twenty-five or thirty persons in disguise on horseback riding through that neighborhood. There was no doubt about that; the proof was abundant; they were seen by a great many; they went to several houses that night, though I do not recollect that they whipped but one man. They went to his house, called him out, and before he could get up and go out they thrust a log against the door, broke it open, took him out some distance from the house, and whipped him very cruelly. The reason they gave for it was that he was occupying land which he ought not to occupy. There was some dispute about the tract of land upon which he lived. No other reason was given that I heard of, except that they said to him that he had voted for Governor Holden. In that investigation I learned of several other outrages that had been committed in the county somewhat of the same character—whipping and threatening.

Question. At what time were these outrages committed?

Answer. In the spring of 1870.

Question. Were these outrages shown by the investigation to have been committed in all instances by men in disguise?

Answer. Yes, sir; they were in bodies from a dozen to twenty-five or thirty, and in disguise. There have been no outrages in the county since then, so far as I have heard except in one instance.

Question. When was that?

Answer. Probably in December or November. I heard that a few men, not men in disguise, went to some negroes' houses and shot one of them through the body dangerously. For a considerable time afterward I supposed he was dead, but I have understood he did not die. They wounded one or two others. And here I take occasion to say that my associate justice, Settle, mentioned to me, when he returned to Raleigh from this city, that he had spoken to the committee of the investigation which I had made of outrages in my county, and that he supposed this last was the one which I had investigated, and he stated one of the negroes died or was killed. I told him he was mistaken; that this last case was not one of the outrages which I investigated. He then asked me to correct his statement before the committee. There was in my county, about last May, a Government officer, sent to the county town for the purpose of investigating some frauds in connection with the internal revenue. The next morning a coffin was found at his door with a threatening letter ordering him to leave, and he did leave, I think, the next day. I do not know that politics had anything to do with it; my impression is, it did not; I suppose, probably, that persons in the tobacco manufacturing interest were the instruments in that, but that is mere conjecture. Outside of this organization of which I have spoken, I think the people among whom I live are as orderly and as well disposed as the people of any community.

Question. Taking the offenses that have been committed by the members of this organization, is that disposition entertained among the other classes of the community sufficiently to enable the courts to bring the perpetrators of these outrages to justice?

Answer. In the investigation which I made I was very careful to take down the testimony; I was engaged at it three or four days. I really felt great interest in it, because I was in hopes I could break down the organization in my county. I returned the evidence to the court, and I understood it was presented to the grand jury by the solicitor. I do not know whether a bill was drawn or not. I suppose a bill was drawn, but there was no presentment made by the grand jury. The evidence against one of the four persons was, to my mind, conclusive that he was a party to the com-

mission of the outrage. The evidence against the other three was only of a probable character.

Question. Was there difficulty in identifying the parties?

Answer. Yes, sir; many persons saw them during the night, but no one professed to know a single one of them, except the man who was outraged himself. He testified as to four persons, and said he knew them by their voices and gait and carriage, and from their general appearance. He was contradicted, however, as to two of them; that is to say, they proved an *alibi*.

Question. Did you, as a magistrate, hear any evidence for the defense?

Answer. I heard all the evidence offered on both sides. I gave notice that my object was to have a full investigation. I heard a great many witnesses on both sides.

Question. Did the persons who were called to prove an *alibi* belong to the same organization?

Answer. No; they did not. One of them was the mother of one of the parties and the mother-in-law of another, and she proved that they were at her house that night. I did not bind over those two, but did bind over the other two.

Question. Did your investigation disclose the nature of the obligation by which the members of the organization were bound?

Answer. No, sir; I had no member of the order before me, so far as I knew; and I could not get any evidence at all, except from the man himself who was outraged, as to the individuals present.

Question. What number of persons that you had brought before you in the neighborhood in which the offense was committed are you satisfied were members of the organization?

Answer. I had before me persons who had been suspected, but there was nothing in the examination that led me to suppose they were members of the order.

Question. Had you them before you as criminals charged or as witnesses?

Answer. As witnesses.

Question. Witnesses who were examined?

Answer. Yes, sir.

Question. Was the question put to them whether they were members of the organization?

Answer. Yes, sir.

Question. How did they answer it?

Answer. They denied it. I would say to the neighbors then: "Now, you all know that those outrages are being committed in your neighborhood; do you not feel that as neighbors you are responsible for this state of things? How is it that you have taken no pains to investigate it and bring the offenders to punishment?" Their answer was that they were apprehensive of personal danger.

Question. Do you believe, from your examination of these cases and your observation as a judicial officer in the State, that the apprehension of violence from this organized order prevents investigation in many instances into offenses committed by them?

Answer. I have no doubt of it.

Question. What is your belief as to the effect it has in deterring witnesses from appearing against them?

Answer. I have no doubt it has an influence in that way; I have no doubt it deters witnesses and parties from making complaints.

Question. Have either of the persons whom you caught in Person County been as yet tried and convicted?

Answer. No; there has been no presentment against them by the grand jury.

Question. Does this statement which you have made embrace all the cases which have come to your personal observation in that county?

Answer. Yes, sir.

Question. Have you derived any knowledge from your official position of the same class of operations in other portions of the State?

Answer. Nothing, except from rumors and investigations before other persons; I have no official or personal knowledge further than what I have stated.

Question. Have your official duties taken you into other portions of the State?

Answer. I am on the supreme court bench; the court sits at Raleigh and does not travel at all.

Question. The functions you discharged were those of a committing magistrate in the cases referred to?

Answer. An examining and committing magistrate.

Question. The case did not come before the court of which you were a member for trial?

Answer. No, sir; we have the superior courts for trials. The supreme court is a court of appeal.

Question. From the investigations you made of these cases, and your observations of affairs in that county, do you believe that persons connected with the organization

can be brought to justice for crime committed in disguise in the manner in which you have stated?

Answer. I do not see how it is possible to get the evidence against them. I never investigated anything in my life with more interest or stronger desire to bring the offenders to justice and break up the organization in my county.

Question. Where offenses of that character can be committed and the perpetrators live on in the same community unpunished, do you consider that a state of society in which person and property are secure?

Answer. Person and property are not safe against that organization. I regard it as an exceedingly mischievous and dangerous organization; but outside of that I desire to repeat that I consider the people well disposed.

Question. What is your belief as to the present status of the organization in the State; do you believe it still exists?

Answer. I have no doubt it does exist; but it is not now in active operation as it has been, I suppose, from what I hear.

Question. To what do you attribute the cessation of its operations?

Answer. I suppose it is attributable to the efforts which have been made to put them down and expose them, and to the fact that many of the order have come out and exposed it.

Question. If this sense of immunity from punishment which resulted from the absence of trial and conviction before the exposure was made of the order, or before the efforts were made to put it down; if this sense of impunity still existed do you believe their operations would be carried on as heretofore?

Answer. Well, anything that I could say about it would be a mere opinion; I have no facts upon which to found an opinion; I really do not know how to answer.

Question. From the investigations which you made in that county were the causes alleged for the infliction of wrongs real or pretended causes?

Answer. There were causes alleged, and I presume those causes were real; that is, I mean to say, that the causes which they alleged did really exist.

Question. Was there any difference in the party relations of the persons outraged or wronged; in other words, were any but members of one party the victims of these wrongs?

Answer. In one instance a conservative was the subject of outrage; in the other instances, so far as I heard, they were republicans.

Question. What was the instance that you refer to of a conservative being wronged?

Answer. The first outrage that was committed in the county was this: A party in disguise went to a man's house, broke down the door, and whipped him. The cause assigned for that was that he was living in improper relations with a woman. He was a republican, and I have no doubt that the fact was true, as alleged, but I do not know that that was the real cause of the outrage; it was the cause assigned. Then the son of the gentleman who owned the premises which were occupied by this man made complaint that they had broken open his father's premises, and said he thought he knew some of the persons who did it. This young man was a conservative. The man who was outraged was a tenant on his father's premises. The persons who committed the outrage then went into the house of this young man, took him out, carried him off some distance in his night clothes, and threatened him very severely because he had talked about them.

Question. Were all the persons in that county that were charged with living in adultery similarly visited by this organization?

Answer. I do not know of any instance but that one.

Question. Was that the only instance in the county where persons were charged with living in adultery with women?

Answer. No, sir; there were other persons in so large a community as that who were subject to the same charges. They did not whip the young man that I have just spoken of, but they threatened him because he talked about them.

Question. Have these outrages and the investigation of them elicited partisan feeling in the State?

Answer. Apparently they have, very decidedly.

Question. By which party have they been condemned and by which approved, if either?

Answer. They have been universally condemned by the republican party and generally condemned by the conservative party, when they have spoken of them at all. I mean the public press has done so, and prominent men have done so, when they have spoken of them; but it has been a subject of complaint that where they have thus spoken it has been too often done apologetically with qualifications.

Question. Then do I understand you that whatever apology or excuse has been offered for these outrages by the citizens of your State has been by members of the conservative party?

Answer. Yes, sir. Perhaps I ought to explain myself. They would say, "Well, if

the organization exists, it exists in consequence of the Union League and in opposition to the Union League," or something of that sort.

Question. If the press and members of the conservative party were to speak as unhesitatingly in condemnation of these outrages as the other party, would not public sentiment be so strongly against it as to prevent its existence and operations in the State?

Answer. I should hope so. Probably if it had been so at the first, it might have prevented it altogether; but now I do not think that the organization uses itself for political purposes only, but there are many instances where, I suppose, it is used for spite, for revenge, and for personal considerations.

Question. You have spoken of the Union League; to your knowledge or under your observation have there been any instances where disorders or violence have been committed by the members of that organization, with its countenance or approval?

Answer. None that I know of. I know nothing of the Union League or any other political association, except as I gather it from public rumor or from information coming to the public.

Question. Where crimes or offenses are committed in your State by members of any other association or organization than the Ku-Klux is there any difficulty in prosecuting them and in administering the laws against them in the courts?

Answer. There is no difficulty in my State, so far as I know, or as I believe, in administering the laws in any and every particular, except in connection with the Ku-Klux organization. I believe the laws are as well administered there as they ever were, aside from the influence of that organization.

By Mr. WILSON:

Question. In what years were you in Congress?

Answer. In 1856 and 1857.

By Mr. BLAIR:

Question. Do you know of any instance of resistance to the execution of the law in North Carolina?

Answer. I do not know of a single case of open resistance to the execution of the laws in that State.

Question. Did Governor Holden resist the order of the supreme court when they ordered Henderson Adams to jail?

Answer. No; he did not resist the order of the court; Henderson Adams had a controversy with the court as to the occupancy of the court-room, and we ordered him to jail for contempt of court.

Question. Did the governor interfere?

Answer. We understood that the governor, as the officer was carrying him to jail, took him into his room and kept him for some time until an explanation could be made; but there was no resistance to the order of committal, other than that, and in a short time a satisfactory excuse was sent in by Mr. Adams, who was State auditor. There was nothing unpleasant between the court and the governor other than that.

Question. Did you ever have any conversation with Governor Holden and others about the Shaffner bill, before it was introduced into the Legislature?

Answer. Never in my life with any body, so far as I remember.

Question. Did Governor Holden ever talk to you about his military acts?

Answer. Never.

Question. Do you know Judge Kerr?

Answer. Yes sir.

Question. Does he live in your county?

Answer. In an adjoining county.

Question. Is he a man of character?

Answer. He is a man of character.

Question. Do you know S. P. Hill?

Answer. Yes, sir.

Question. Is he a man of reputation and character?

Answer. Well, not so decidedly as Mr. Kerr. Mr. Hill's habits, I am sorry to say, are bad.

Question. Does he live in Hillsboro?

Answer. Judge Kerr and Mr. Hill both live in the town of Yanceyville, Caswell County.

Question. Do you know Dr. Roan and Mr. Bow, of Caswell?

Answer. Yes, sir. There is not a man in the State who has a better character than Dr. Roan. Mr. Bow also has a good character.

Question. Were those men that I have named arrested by Colonel Kirk, acting under the authority of the governor?

Answer. As I understood.

Question. How in the arrest of men of such character and standing regarded by you; was there any allegation of crime against them?

Answer. I know nothing in the world as to what was alleged against them; I never spoke with Governor Holden on any subject connected with his military operations.

Question. Do you not know generally whether there was any allegation made against those men?

Answer. There was an allegation just such as I spoke of awhile ago, that they were not decidedly against the Ku-Klux organization; that they were in sympathy with it. There was that sort of allegation, but I know nothing of the truth of it. I never heard it suspected that they were members of the order. They lived in the town where Senator Stevens was killed, and it is mere speculation with me to suppose that the object in arresting the prominent men in that locality was to make an impression upon the community; but I have no knowledge about it at all; I have never been advised with by Governor Holden in regard to his military movements at all. I will state, if you will allow me, that while I was holding court in Raleigh, Mr. Watt, who was counsel for Judge Kerr and Dr. Roan, wrote a letter to Judge Settle, requesting him to interfere with Governor Holden for their release, and requesting Judge Settle to ask me to do the same. Judge Settle read me the letter. I declined to see Governor Holden on the question at all, giving as a reason that I had never interfered with Governor Holden, nor advised with him in regard to the matter; it was his matter and not mine, and I should take no steps about it; and I wrote a letter to Mr. Watt to the same effect, that I had never had anything to do with Governor Holden in regard to military operations, and I thought it indelicate, as I occupied another department in the government, to interfere at all. If there is any man in the world in whose behalf I would have interfered it was Dr. Roan; he is a man of most excellent character and a personal friend.

Question. Did you not consider it your duty, as an officer of the law, to interfere in behalf of men in whose persons the law was violated?

Answer. I did in every instance in which an application was properly made before me. I interested myself in my county to try and get affidavits made before me, in order that I might have arrests made; but I could not do it.

Question. I speak in reference to these men arrested by Kirk. Was there not an application made to you and to your associates for a writ of habeas corpus?

Answer. There is a mistake abroad about that. The application was made to the chief justice, and not to the associate justices at all. Our court was sitting at the time, and the chief justice advised with us freely. He had the benefit of our counsel, but it was a matter before him alone.

Question. He declined to issue a writ?

Answer. He did issue a writ.

Question. He did not discharge the man?

Answer. Probably I had better explain, as the question indicates that you have not the information. An application was made before the chief justice for a writ of habeas corpus. It was argued before him for several days by eminent counsel on both sides, and he issued a writ. The person in whose hand it was put went to Colonel Kirk and served the writ upon him. Colonel Kirk returned that he held the prisoner by order of Governor Holden. The chief justice then communicated that fact to Governor Holden, and asked him whether or not the persons were held by his order, and he answered that they were. Thereupon the chief justice declined to issue the order for their discharge, or for having them appear before him, because the governor was the commander-in-chief of all the power of the State, and he had no power to bring into requisition against him. If I may say so, I would suggest that the proceedings in the habeas corpus cases be examined by the committee. You will find them in our North Carolina reports, 64 N. C. R., Appendix. If there is any impression that the chief justice or any member of the court refused or failed to issue all the processes in their power, that is a mistake—in other words, as we say, the judiciary exhausted its power.

Question. Did you swear in the members of the legislature of 1865?

Answer. Yes, sir; I swore in the members of the house of commons.

Question. Did you refuse to swear in certain of these members who held certificates?

Answer. I had an order from General Canby, who directed what members were to be sworn in, and what were disqualified. I made that fact known and swore in the members accordingly. I did not refuse to administer the oath to anybody; but I made known what my duty was, and requested those who were barred by Howard amendment to make it known, so that they might stand aside until I swore in the balance of the legislature, and then they might pass upon the qualifications of members. It was not my duty to do that. I swore in such as there was no trouble about.

Question. What was the trouble; did they not all hold the same certificates of election?

Answer. I did not go into that at all; I simply requested that those as to whom there was trouble, should stand aside until I swore in the body of the legislature; then they were to present their credentials to that body.

Question. What was the trouble?

Answer. Well, it was as to whether or not they were qualified to hold their seats, or whether they were barred by the Howard amendment.

Question. Who decided that question?

Answer. I did not decide any question.

Question. Who did decide that question?

Answer. I suppose the legislature decided it when it was organized.

Question. In the first instance you stated you had an order from General Canby not to swear in certain members?

Answer. I simply stated that fact to the body so that I should not have any controversy with any man in that body.

Question. What fact did you state to them?

Answer. I stated the order of General Canby.

Question. He had given an order that certain men were to be sworn in, and others not; was that it?

Answer. Not exactly in those words.

Question. Let us hear what it was exactly.

Answer. Unless I had the order before me I could not say.

Question. Give us your recollection of the order.

Answer. I cannot state anything about it except that it indicated what was a disqualification of members of the legislature; I stated that to the body, and said simply that those who came under the ban would please make it known, and stand aside until the body of the legislature were sworn in; then the legislature could pass upon their qualifications. I had no trouble with any member of the legislature. I think there were some ten or twelve who did stand aside, and they were of both political parties; it was no party question at all, so far as I know. I simply did the duty of appearing in such persons as there was no trouble about.

Question. The reconstruction acts required all members to take the test oath.

Answer. Well, I declare I do not know; I do not remember.

Question. Was there not an order from General Canby telegraphed just previous to the meeting of the legislature dispensing with that oath in certain cases?

Answer. I do not remember that.

Question. At the election in August last what were the principal or leading issues that divided the two parties?

Answer. It would be very difficult to tell. I do not know that there was any general platform. I interfere so little with politics that I really do not know much about them. I have not attended a political party meeting in eight years—since I have been upon the bench.

Question. Was not the alleged corruption of the Holden administration in squandering the resources of the State a prominent issue?

Answer. That was prominently discussed in the canvass.

Question. And the profligate issue of bonds in the State; was that not one of the leading issues in the canvass?

Answer. Yes, sir. You say Governor Holden's administration; I do not know that it would be just to say that, because, so far as I know, Governor Holden had nothing to do with it. The appropriations were made by the legislature.

Question. Did not Holden concur in the appropriations in approving the bills?

Answer. He had nothing to do with the approval of bills; he had no veto power.

Question. Are not bills approved by him?

Answer. I do not know; I have never in any way been an adviser or counselor of Governor Holden.

Question. I am speaking of the constitutional provision of the State; does not that require that the acts of the legislature shall be approved by the governor?

Answer. No, sir, our governor has nothing to do with legislation at all.

Question. Was the credit of the State affected by the large over-issue of bonds?

Answer. Very seriously affected.

Question. Destroyed, in fact?

Answer. Well, it may be said to be destroyed, for I believe the old bonds are quoted at about 48 to 50 in the market, and the new bonds at only 20 odd.

Question. These bonds were issued by the legislature of 1868, which you swore in, were they not?

Answer. Yes, sir.

Question. The legislature elected under the reconstruction acts?

Answer. Yes, sir.

Question. Did not many persons who had voted for General Grant, who sustained the administration, and who held the attitude of republicans, abandon Holden and the republican party in the late election in August last on account of the profligate administration of the credit and finances of the State?

Answer. I dare say there were changes of that kind, but I have no personal knowledge about it.

Question. Is not that a general opinion; was not that one of the issues which gave the conservative party their ascendancy in the last election?

Answer. I have no doubt it had its influence.

Question. Do you know Josiah Turner, Jr.?

Answer. Yes, sir.

Question. Was he arrested?

Answer. He was, as I understood.

Question. Did Governor Holden ever tell you, before or since the arrest, that he ordered it?

Answer. Never.

Question. Was his arrest not a violation of law?

Answer. I know nothing in the world about the arrest except what is common to the public. I understood he was arrested in Orange County by the military.

Question. Were there any charges made against him?

Answer. Not in the court, so far as I know.

Question. Do you not know from information that he was arrested without any charge being made against him, dragged to prison, and detained in prison upon no charge whatever, and in violation of law?

Answer. I understood he was arrested without any civil process; that he was arrested by the military, and that he was arrested because of alleged complicity with the Ku-Klux.

Question. Was there ever any such charge made in the courts?

Answer. I have already said that if he had been arrested by any civil process, I do not know it. There was no charge ever brought against him in the court, to my knowledge.

Question. Was the making of arrests, without civil process against persons upon mere rumor of sympathy with the Ku-Klux, calculated to create bitterness of feeling and disturbance of the peace?

Answer. I think it was.

Question. What is your opinion in regard to military arrests without civil process; is it not in violation of the constitution of your State?

Answer. The constitution of our State, and the legislation under it, authorize the governor, when in his opinion life and property are not safe under the civil authority to declare a county in insurrection, and to arrest suspected persons.

Question. You say the constitution authorizes it?

Answer. The constitution and legislature under the constitution.

Question. Have you any reason to believe that such men as Governor Graham and Judge Battel encouraged these Ku-Klux?

Answer. No, I do not believe these gentlemen encouraged it in any other way than that which I have indicated before, and probably some of them not even as far as I said before in regard to others. I believe, from what I understand, that Judge Battel has been very decided in denouncing it. I have understood so from him and from others. It is difficult to correct an impression that is abroad without the risk of doing somebody injustice. I have said before that this organization was regarded to a considerable extent as political in its character; and while prominent gentlemen in the State have condemned it, yet there has been an impression that they have not been as decided in their condemnation of it as they ought to have been, and that in many cases it has been censured in a qualified manner as being organized to counteract the Union leagues, or something of that sort. I suppose such gentlemen as you mentioned would be very far from countenancing an organization of that sort.

Question. Who compose the Union Leagues generally?

Answer. I understand they are mainly composed of negroes; in some sections a considerable number of white persons belong to them. I understood that that was a political organization entirely.

Question. Is it a secret oath-bound organization?

Answer. I understand so. They, however, did not keep their memberships secret, and I do not suppose their rules and regulations are secret. I say that because I have seen them parade on holidays in the streets. I understood they were Union Leagues; they have their processions and badges on holidays.

Question. You say it is a political association?

Answer. I have understood it was so altogether. One of the excuses for the Ku-Klux organization is, that it is to counteract the influence of the Union Leagues, as I have understood.

Question. Did you ever hear of the negroes making threats against other negroes who were disposed to favor the conservative side of the question?

Answer. I have never known anything of that sort in my section of the country; I have heard that there were instances of it in other sections.

Question. That they used threats to prevent other negroes voting the democratic ticket?

Answer. I have heard that they say so; I have heard some instances of it, but not in my section; I have seen it in the papers.

Question. Do you suppose, with such an organization as that, that the negroes have any option in regard to their votes?

Answer. I know nothing in the world about it.

Question. Is not that the general opinion that they are brought together by designing politicians in this organization and take these solemn oaths, and consider themselves bound to support the determinations of the order?

Answer. I have understood that the Union Leagues were formed in our State for the purpose of teaching the negroes their political duties and privileges.

Question. Who introduced the leagues?

Answer. I have no knowledge about that.

Question. Have you heard?

Answer. I never have.

Question. Have you never heard that they were gotten up by northern men, who went down South and entered into politics?

Answer. I do not know that, or if there are any northern men in my section, there is not a single carpet-bagger, as we call them, in my county, so far as I remember. I do not say the term carpet-bagger as one of reproach, but just because it is descriptive and common.

Question. Did you ever hear of the treasurer of the State, Mr. Jenkins, being charged with hanging a negro woman?

Answer. I do not know that I ever did.

Question. Did you ever hear Mr. Jenkins speak of it?

Answer. Never.

WASHINGTON, D. C., March 7, 1871.

A. L. RAMBOUR sworn and examined:

By the CHAIRMAN:

Question. Where do you live?

Answer. In Catawba County, North Carolina.

Question. How long have you lived there?

Answer. In that county ever since I was born—fifty-two years.

Question. What is your business?

Answer. I was brought up a farmer, but I have worked at the mill-wright business for some ten or fifteen years.

Question. Have you been at any time visited by men in disguise, known as Ku-Klux?

Answer. Yes, sir.

Question. When?

Answer. I think it was the 7th of June, 1839.

Question. Go on and state what they did and said at the time.

Answer. Shall I commence and tell the whole history?

Question. State the cause for it, if you know it, and then what occurred.

Answer. There were some Ku-Klux in our neighborhood, as I learned from some colored people who came and told me they had been whipped by them. I asked the colored people if they could swear to any of them; they told me they thought they knew some of them, and they told me who they thought they were. I asked them why they did not tell on them; they said the Ku-Klux threatened if they did not do so and so they would get after them.

Question. Do what?

Answer. If they did not quit their radical principles, if they did not quit following "old Andy Rambour." I had become a republican, or radical as they called me. I told them that they ought to hit some of these fellows, take their false-faces off, or something of that kind. They said they were afraid, that the men threatened to kill them if they said anything against the Ku-Klux. Some of my neighbors then got to talking with me about it. I told them that they ought not to go about in disguise, whipping colored people—that it was just because of their politics—to intimidate them. They said I had better not talk against them, they would Ku-Klux me. I told them I did not think they would. Well, it went on for some time; some four or five colored men who had been whipped came to me about it. I told them if any of these Ku-Klux came to their house again that they should take a gun and shoot them. There was a white man, by the name of Bullinger, came into the neighborhood where we were building a bridge. This man said that the Ku-Klux met him one night and told him to tell me that if I did not quit my radical principles they would kill me. I said to Bullinger that I did not believe they would do it; that they had been whipping several colored men, but I did not think they would interfere with me, as I had some property and standing. He said they told him to tell me that if I did not quit it they would come with 5,000 men. I asked him who it was told him that. He said he dare not tell, though he knew some of the men. I asked him why not. He said they would kill him if he told. I had heard from some colored men, also, that they threatened to kill Bullinger if he did not tell me what he did. He advised me to be on my guard, anyhow, for he had seen them disguised that night, some thirty-five or forty of them, and that they had been frequently at the place where he was courting a girl. They found out that he was living near by where I was at work building a bridge, and so got

him to take the message to me. A few months before this time I had been attacked and knocked off my horse in the road by some of them, and beaten very badly. My son then bought a pistol and wanted me to carry it to protect myself. I told him I never intended to kill any body and I did not want to carry any arms. My son said "Pa, if you don't shoot some of them I don't want to call you my father. You ought to have fought Wilson when he knocked you off your horse." Well, so I carried the pistol two or three months. I was away from home most of the time and that was the reason, I suppose, they did not come to my house for me. One Saturday night I returned. While I was at supper my negro man came and told me that the Ku-Klux had told a man who had been whipped that week that they would be at my house one of these nights; I said I did not think they would come, but anyhow I made preparations. My son got a carbine that I had and put it in the bed behind him up stairs; I took the revolver and laid it on my bureau close by my bed; about midnight I heard the dogs rushing out on the piazza; I pulled the curtain one side and saw the yard full of Ku-Klux; they flew around the colored men's house; they were all in disguise; I called to my son saying, "They have come!" but he did not hear. They knocked open the negro men's house, took out both the negro men, and then came into my house; I ran out of my bed-room up stairs and concealed myself in a loft, taking my pistol with me and an ax, thinking that if they came up there I could knock them down with the ax; I did not want to fight, but thought I would go where I would be safe in killing them if they came up after me; I staid there a little while, and they did not come up; then I went into a concealed place with my pistol; they hunted all over the house and could not find me; at first when they came into the house they asked my wife where I was; she said she did not know. One of the men at first spoke in a disguised voice, but when he got excited I recognized his voice; he said to my wife, "I know better; you do know where he is." Then I knew who it was from the voice. Finally they found me; they put a candle in the place where I was hid, and saw me; I snatched my pistol at the one who got just inside and told me to come out. I asked them what they wanted; they said, "Come out; we want to talk to you." Said I, "You can talk to me where you are." They said, "No; you come out!" and with that one of them jumped into the place, and as he did so I snatched the pistol at him; then they put in one of the negro boys, and I snapped at him; he says, "Andy, for God's sake, don't shoot me!" Says I, "Is that you, Rob?" Says he, "Yes; you may as well give up." "Oh," says I, "I don't intend to give up." With that they shoved the other negro man in toward me and told them to bring me out, and told me to give up my pistol; I said, "No, I do not intend to give up." "Oh yes," says one of them, "they have only threatened you and Rob, and to save my life do give up." Then they halloed out that they would burn the house. I snatched the pistol the third time, and one of them struck his hand in the hole and shot toward me; it missed both the boys and went through the roof; with that I became alarmed. I thought I had better give up to save the house with my family, so I gave up the pistol and came out. Then they carried me down into my room; there I caught by the bedstead, but they wrenched me loose, and took me out into the yard. There they surrounded me, and, with their pistols pointed at me, told me to pull off my shirt. I had only my drawers and shirt on. There were some twenty or twenty-five around me. Says I, "If I have got to die I will as soon die with my shirt on as off." Then one of them caught me by the shirt collar and tore it loose, and with that they pulled off my shirt; as soon as that was off three of them jumped at me, and began to cut me with hickories. They gave me some thirty-five or forty licks—I do not know how many—with long, thin hickory withes. I screamed. My daughter, twelve years old, rushed out and caught around my neck, and they stopped whipping. One of them made a motion and they quit. One of them then whispered to me, "Just you vote the conservative ticket, and you are all right." Says I, "God only knows who I will vote for." "I do not know what they were whipping me for only that I am a republican." "Yes," they said, "You have so many niggers about you; don't you know they are breaking you up?" Says I, "They are not doing me much good, but they have got to have homes." Says they, "You put away those niggers off the plantation, and quit your damned radical principles." Then they let me go to the house, with my son and daughter, and as I went up into the house there was a crowd coming out of it. They had searched for arms in my bureaus and they took all my ammunition and some other things. An old pair of revolutionary pistols they destroyed, but they were of no account any more. They then dispersed and went away. I could not identify any one of them from sight.

Question. Was your flesh bruised and broken?

Answer. Yes, sir; my flesh was cut open; my shirt was all bloody when they put it back on me; my skin was cut up on my back. While they were whipping me they whipped one of the negro boys about twenty yards from me.

Question. What reason did they give for whipping him.

Answer. For talking too big; that is what he told me they said to him. I did not hear it.

INDEX.

Allen Samuel, outrage upon, pp. 47-52, 212, 219, 253, 339.
Animosity, pp. 63, 66, 69, 91, 130, 198, 131, 133, 195, 205, 206, 213, 215, 219, 235, 264, 275, 286, 293, 403, 406, 407, 418
Apology. Approval. (See Justification.)
Attacks—military—civil, pp. 5, 11, 14, 15, 16, 19, 43, 44, 66, 150, 151, 153, 156, 169, 196, 202, 253, 255, 270, 280, 293,
310, 311, 320, 326, 360, 361, 370, 389, 401, 402, 411, 412, 414, 417, 420, 423.
Burning of barns and houses, pp. 25, 46, 61, 71, 88, 148, 156, 158, 163, 170, 182, 189, 191, 214, 225, 246, 252, 292, 294,
309, 310, 324, 331, 359, 369, 373, 383, 388, 391, 392, 393, 394, 397, 400, 401.
Carpet-baggers, pp. 383, 384.
Confessions, pp., 7, 8, 38, 60, 81, 150, 240, 283, 294, 297, 298, 299, 300, 364, 387.
Constitution, State, pp. 134, 135.
Convention, State, pp. 210, 211, 369.
Courts, pp. 2, 3, 5, 15, 30, 45, 46, 53, 54, 59, 63, 64, 66, 69, 72, 73, 78, 83, 85, 86, 92, 93, 94, 100, 110, 115, 117, 118, 119,
121, 125, 128, 129, 135, 145, 153, 154, 159, 160, 161, 163, 167, 168, 174, 175, 178, 179, 183, 186, 187, 191, 192, 194, 200,
203, 204, 205, 207, 218, 214, 225, 226, 228, 236, 241, 252, 253, 259, 260, 263, 265, 266, 268, 271, 272, 274, 275, 278, 279,
279, 280, 287, 301, 309, 310, 319, 319, 323, 326, 334, 343, 347, 360, 363, 369, 371, 372, 378, 377, 378, 379, 383, 387, 388,
394, 397, 398, 403, 405, 406, 409, 412, 417, 422.
Courts-martial, pp. 133, 264, 313, 346.
Curliss, Alonzo H., outrage upon, pp. 143, 167, 219, 219, 233, 301, 302, 304, 305, 339.
Culver, Sheriff, murder of, pp. 26, 94, 244, 245, 273, 376.
Criminality, pp. 60, 113, 124, 136, 162, 164, 166, 177, 180, 187, 193, 198, 207, 255, 276, 268, 328, 333, 357, 397,
391, 409, 409, 414.
Denunciation. (See Condemnation.)
Debt of North Carolina, pp. 137, 138, 139, 149, 147, 171, 174, 173, 175, 182, 189, 197, 206, 206, 209, 222, 228,
232, 236, 271, 285, 270, 288, 337, 373, 374, 375, 393, 405, 413.
Disgrace, pp. 2, 9, 17, 25, 70, 101, 106, 118, 124, 140, 162, 246, 247, 251, 152, 260, 266, 287, 308, 348, 354, 366, 297,
401, 406, 410.
Disorders. (See Outrages.)
Electors, pp. 3, 4, 89, 142, 233, 235, 362.
Heroes of America, or Red Strings, pp. 199, 227, 228, 229.
Habeas Corpus, pp. 2, 3, 13, 14, 16, 153, 154, 167, 168, 200, 222, 214, 274, 279, 280, 368, 371, 372, 377, 276, 408,
419.
Holt, Caswell, outrage upon, pp. 222, 341.
Holton, Governor, pp. 139, 147, 152, 157, 171, 172, 173, 176, 180, 184, 203, 206, 207, 208, 211, 239, 230, 227, 255,
279, 281, 286, 287, 288, 290, 299, 370, 373, 361, 360, 411, 413.
Intimidation, pp. 41, 44, 68, 56, 51, 57, 75, 81, 84, 93, 98, 103, 105, 107, 120, 144, 147, 149, 150, 154, 163, 164, 205,
181, 186, 187, 192, 199, 207, 231, 250, 260, 225, 229, 231, 322, 236, 239, 336, 343, 244, 245, 246, 268, 341, 366, 368, 388,
372, 379, 382, 384, 414, 419, 420, 422.
Journal, XXXIII—XXXVIII.
Judiciary, judges. (See Courts.)
Jurors, pp. 2, 3, 39, 40, 54, 97, 121, 179, 185, 334, 241, 252.
Justification, pp. 21, 32, 38, 42, 44, 54, 58, 62, 71, 76, 83, 86, 87, 107, 110, 111, 113, 119, 124, 126, 132, 143, 261,
161, 201, 209, 216, 227, 253, 276, 283, 232, 235, 238, 279, 280, 361, 403, 410.
Ku-Klux, pp. 6, 8, 16, 17, 19, 21, 22, 31, 36, 72, 78, 81, 87, 93, 95, 101, 104, 105, 108, 109, 112, 113, 114, 115, 119,
121, 123, 127, 128, 130, 131, 132, 136, 143, 144, 145, 146, 150, 152, 162, 170, 173, 177, 179, 182, 184, 186, 187, 189,
190, 191, 192, 193, 195, 201, 202, 215, 216, 226, 229, 237, 238, 239, 240, 244, 245, 246, 250, 253, 256, 257, 258, 260,
261, 262, 272, 273, 275, 284, 291, 292, 296, 297, 301, 303, 308, 316, 318, 320, 322, 326, 331, 332, 337, 338, 342, 343,
344, 353, 354, 355, 356, 357, 359, 367, 379, 383, 388, 369, 391, 392, 395, 397, 401, 402, 403, 406, 415, 416, 420.
Ku-Klux, ordered, pp. 25, 79, 76, 69, 63, 169, 170, 184, 201, 253, 263, 310, 333, 247, 373.
Ku-Klux, extent, number, pp. 123, 127, 130, 131, 124, 215, 245.
Ku-Klux, object, pp. 68, 169, 141, 121, 190, 182, 144, 146, 158, 163, 176, 186, 193, 195, 230, 236, 243, 244, 246,
250, 252, 272, 273, 286, 297, 318, 323, 326.
Legislature, State, pp. 141, 412, 413.
Magistrates. (See Courts.)
Malreatment. (See Outrages.)
Messages of the President in relation to outrages in North Carolina, XXXVIII, CXLV.
Military or militia, pp. 5, 6, 7, 14, 102, 123, 168, 311, 378, 262, 266, 293.
Morrow, J. and D., hanging of, p. 106.
Oath, Ku-Klux and Union League, pp. 23, 25, 51, 119, 190, 146, 160, 181, 190, 201, 204, 216, 221, 227, 229, 232,
234, 237, 252, 262, 267, 274, 282, 286, 288, 308, 317, 323, 262, 262.
Oath, test, pp. 120, 212.
Outlaw Wyatt, hanging of, pp. 18, 21, 31, 39, 78, 150, 160, 252, 250, 260, 266, 277, 278, 302, 307, 314, 316, 316,
322, 324, 342, 322, 373.
Outrages, Ku-Klux, military, &c., pp. 1, 2, 3, 6, 9, 10, 11, 20, 23, 24, 27, 28, 29, 30, 31, 33, 34, 35, 36, 39, 41, 42, 43,
45, 46, 47, 50, 52, 53, 56, 57, 72, 73, 74, 75, 79, 82, 85, 86, 101, 102, 103, 105, 106, 117, 118, 119, 120, 127, 130,
131, 142, 145, 149, 151, 154, 155, 159, 162, 167, 170, 172, 179, 180, 183, 185, 186, 191, 192, 194, 197, 199, 200, 202,
214, 216, 218, 219, 222, 226, 235, 237, 238, 240, 241, 242, 243, 245, 247, 248, 249, 257, 259, 261, 262, 264, 265, 268,
274, 277, 280, 282, 283, 294, 296, 301, 302, 311, 319, 316, 321, 324, 325, 331, 339, 341, 344, 350, 351, 352, 354, 356,
357, 359, 362, 369, 370, 373, 376, 385, 386, 387, 389, 392, 395, 396, 400, 403, 404, 405, 406, 409, 410, 411, 415, 418,
417, 418.
Palliation. (See Justification.)
Parsons, pp. 124, 206, 221, 272, 280, 289, 372, 376.
Perjury, pp. 12, 120, 174, 175, 283, 286, 287.
Puryear, William, drowning of, pp. 12, 15, 75, 260, 332.
Raiders, pp. 272, 282, 321, 322.
Ransom, J. A., whipping of, pp. 415, 416, 419.

Red Strings. (See Heroes of America.)

- Report of committee, I-XXXII.
 Remedy, pp. 91, 99, 111, 110, 120, 125, 127, 136, 179, 184, . . . 184 328, 329, 411.
 Reconstruction, pp. 164, 165, 175.
 Security, pp. 1, 9, 10, 15, 19, 29, 30, 37, 50, 58, 60, 60, . . . 2 101, 103, 104, 106, 110, 119, 115, 116, 124,
 125, 127, 128, 139, 136, 115, 151, 153, 151, 167, 194, 196, 198, 201, . . . 2, 914, 930, 932, 924, 936, 931, 937, 939, 953,
 954, 955, 956, 977, 970, 989, 295, 303, 304, 314, 329, 334, 337, 34, 351 345, 346, 347, 348, 354, 350, 361, 368, 403,
 405, 407, 419, 420, 431.
 Sailwags, pp. 323, 324.
 Schools, pp. 49, 144, 146, 217, 222, 230, 231, 293, 304, 305, 314, 329, 333.
 Signs, Ku-Klux, pp. 17, 20, 253, 205, 207, 201.
 Shaver, Daniel, killing of, pp. 64, 67.
 Sheppard, Colonel, killing of, pp. 98, 100.
 Sheppard, Senator, pp. 25, 104, 224, 373, 379.
 Stevens, Senator, murder of, pp. 113, 128, 129, 149, 161, 204, 277, 329, 379, 399, 400, 401.
 Stealing, pp. 175, 182, 185, 203, 242, 249, 267, 269, 320, 375, 380.
 Union Leagues, pp. 17, 39, 51, 66, 68, 67, 99, 119, 110, 130, 131, 132, 143, 144, 146, 147, 149, 158, 177, 180,
 . . . 181, 182, 184, 190, 193, 193, 199, 200, 215, 217, 220, 221, 227, 229, 230, 239, 268, 299, 283, 299, 320, 334, 333, 335,
 . . . 359, 359, 368, 380, 391, 401, 414, 423.
 Union Leagues, origin, pp. 130, 181, 188, 193, 231, 390.
 Union Leagues, object, pp. 139, 181, 193, 199, 308.
 Violence. (See Outrages.)
 Whipping. (See Outrages.)

Witnesses:

Albright, W. R., (rep.).....	79-84
Albright, W. T., (rep.).....	419-423
Allen, Samuel, colored, (rep.).....	47-58
Battle, William H., (con.).....	157-177
Battle, William H., (con.).....	158-177
Bergon, George B., (rep.).....	160-162
Bosher, A. T., (rep.).....	17-27
Boyd, James E., (con., K. K.).....	142-144
Boyd, James E., recalled, (con., K. K.).....	254-3 1
Bradshaw, W. S., (con., K. K.).....	473-84
Brooks, G. W., Judge, (rep.).....	59-58
Bynum, W. T., (rep.).....	144-150
Coffins, Alonso E., (rep.).....	130-143
Davidson, A. T., (con.).....	103-165
Dowell, A. H., Jr., (rep.).....	234-239
Goodloe, Daniel H., (con.).....	61-70
Hanes, Lewis, (rep.).....	80-81
Harden, Peter R., (con.).....	108-111
Henry, J. L., Judge, (rep.).....	1-5
Holden, Joseph W., (rep.).....	231-236
Holt, E. M., (con.).....	341-349
Holt, Caswell, colored, (rep.).....	53-66
Habba, Ethelbert, (rep.).....	265-299
Hunter, William W. N., (con.).....	191-192
Keogh, T. B., (rep.).....	233-241
Kerr, David W., (con.).....	390-407
Kerr, John, (con.).....	5-17
Kirk, George W., (rep.).....	97-40
Laahlee, Henry C., (rep.).....	190-192
Laws, George F., (con.).....	72-78
Lee, T. F., (rep.).....	126-130
Logan, Robert W., (rep.).....	185-190
Logan, George W., Judge, (rep.).....	276-273
Long, Jacob A., (con., K. K.).....	117-121
Luok, Virgil E., (rep.).....	182-214
Moore, Bartholomew F., (con.).....	210-244
Murray, Lucien H., (con., K. K.).....	70-72
Naason, George W., (rep.).....	374-385
Ramsay, N. A., (con.).....	415-419
Ramsour, A. L., (rep.).....	407-415
Reade, E. G., Judge, (rep.).....	111-116
Reld, James, Rev., (nent.).....	358-377
Rogers, George S., (con., K. K.).....	177-185
Russell, Daniel R., jr., Judge, (rep.).....	84-180
Settle, Thomas, Judge, (rep.).....	214-224
Smith, J. E., Rev., (con.).....	89-110
Thomas, C. R., Judge, (rep.).....	349-354
Turner, Josiah, jr., (con.).....	41-47
Tuamtuam, W. B., (rep.).....	193-199
Upchurch, C. D., (rep.).....	230-231
Whitford, Thomas F., (con., K. K.).....	345-350
Wilson, E. C., (nent.).....	249-258
Wilson, Joseph H., (con.).....	361-366
Worth, Daniel, (con.).....	

IN THE SENATE OF THE UNITED STATES.

MARCH 10, 1871.—Ordered to be printed.

Mr. BAYARD, from the Committee on the Condition of Affairs in the Southern States, submitted the following as the

VIEWS OF THE MINORITY:

The undersigned, constituting a minority of the committee charged by the Senate with the investigation of the "condition of affairs in the Southern States," find themselves unable to agree with the majority of said committee in their report accompanying the testimony, or in the conclusions they have drawn from it, and feeling that the subject is one of the greatest importance, have resolved to submit their views to the Senate and the country.

The resolution under which the committee have acted is as follows:

Resolved, That the messages of the President, with the accompanying papers, be referred to a select committee, to consist of five members, who shall have power to employ a clerk and a stenographer, to send for persons and papers, and to investigate the matters therein referred to, and inquire into the truth or falsehood of the crimes and outrages of a political character alleged to have been committed in the Southern States, and whether there be in those States security of persons and property.

Preceded by a Senate resolution, passed December 16, 1870, calling on the President "for information relative to the organization of disloyal persons in North Carolina, having in view resistance to the United States laws, denial of protection and the enjoyment of rights and liberties secured under the Constitution of the United States," &c.; and in compliance with which two messages, one dated January 13, 1871, and the other January 17, 1871, were transmitted, with accompanying documents, by the President to the Senate.

Thus it will appear that the resolution under which the special committee was appointed was founded on the reports transmitted as aforesaid by the President. Instantly upon their appointment the committee organized and proceeded without delay to examine witnesses, who were apparently all ready in waiting in the city of Washington, to wit: The son of Governor Holden, Colonel George W. Kirk, and Bergen, his lieutenant colonel.

No opportunity (save that afforded by its single reading in the Senate) has been given the undersigned to inspect the report of the majority, or obtain a proper knowledge of its contents. This we regret, but the action of the majority has not enabled us to prevent. The report was read once, and instantly transmitted to the printer, by whom it has not yet been returned.

We desire to attract the attention of the Senate to the scope of the resolution under which the committee have acted "to inquire into the truth or falsehood of crimes and outrages of a political character in the Southern States." Here is an unlimited field of general allegation, qualified only by the word "political," and conveying nothing definite to the

communities whose domestic affairs were, without notice or specified charges, to have a congressional drag-net thrown over them, and be hauled before the committee, and the closing paragraph of the resolution only aggravated the dangers and difficulties of such an investigation, by inquiring "whether there be in those States security for persons and property."

The only warrant existing in the Constitution of the United States for such an inquisition, which the undersigned are enabled to discover, must be found, if it has any existence whatever, in the fourth section of article 3 of the Constitution, which provides:

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the executive when the legislature cannot be convened, against domestic violence.

Nor will the advocates of the resolution be enabled to find shelter under the fourteenth article of amendment to the Constitution, providing that:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny any person within its jurisdiction the equal protection of the laws.

"No State" has passed any law in violation of the last-cited amendment, nor has any question been made relative to the exercise of power in the emergencies set forth in the fourth section of article 3. The undersigned are therefore at a loss to discover whence such power is derived as is set forth in the resolution and acted upon by the committee, and therefore they protest, in the name and under the limitations of the Constitution of the United States, against any and all action of an inquisitorial character into the internal and domestic affairs of any of the States, or any attempt by Congress or the Executive to interfere with the State governments or citizens individually as to matters not cognizable by the Federal Government under the Constitution.

It is true that the State of North Carolina alone has been made the subject of such investigation; that the internal affairs of that State, her police regulations, and the conduct of her citizens and State officials, have alone been examined into by the committee; but North Carolina is now, and for more than two years past has been, admittedly by all parties and departments of this Government, an equal State of the Union, with no diminution of her rights and privileges as one of the United States of America. Her Senators and members of the House of Representatives have been duly sent to Congress, and have been recognized, and have exercised their full share of power in the government of the Union. Any claim of power, therefore, to investigate the internal and domestic affairs of that State, to invade her police powers of control over all matters within her jurisdiction, must be equally valid and have equal force when applied to any other State.

The reserved rights, under the tenth article of amendment to the Federal Constitution, of Pennsylvania, Massachusetts, Ohio, or New York, are in no degree more secure than those of North Carolina; and it may well be asked whether the States named, as well as all others, are prepared to submit themselves to such investigations and the proposed action toward them and their citizens as is now indicated toward the State of North Carolina.

The undersigned earnestly protest against the exercise or admission of any such power as unwarranted by the Constitution, and utterly subversive of our Federal system of State governments. The result of the admission of such powers as are suggested by the resolution would be

the total destruction of the autonomy of State governments and deprive the people of all those powers of local self-government that lie at the very base of our system, and tend to train and fit our citizens for the exercise of those functions which have developed the vigor and self-reliance of the American people.

There can no longer be urged the plea of "military necessity." The flag of the nation floats in placid security in every part of the Union, and there is no pretense of opposition in any quarter to the peaceable operation of the civil authority. The experiment proposed by the resolution has thus far been made upon a single State of the Union—North Carolina—shall it be continued as to her and the other States? We hope not; and now earnestly urge upon the Senate the duty and necessity of obedience to constitutional limitations upon its power and forbearance from any further intrenchment upon the rights of that State and her people, or any other member of our Federal Union. The door once opened for acts like this, and how shall it be closed?

"Twill be recorded for a precedent;
And many an error, by the same example,
Will rush into the State."

But considering the case as proposed, we find the State of North Carolina uncovered to these general, indefinite attacks upon her fidelity to the Union and its laws, and her ability and disposition to protect life and property in her society. These charges take no shape, and are sent broadcast against her people. There is no process of law, no information presented, but an opportunity simply given for any one to come forward and assail the State and her people in any mode, by any character of testimony, and upon any point, without notification, that prejudice or animosity can suggest.

But all this is manifestly the result of a plan "out and dried" by a conspiracy formed of disappointed politicians who have lost the confidence of their people, and have been cast out of office by the almost unanimous voice of a betrayed and injured constituency. At the head of this conspiracy plainly stands William W. Holden, the governor of North Carolina, and now undergoing trial by process of impeachment for gross abuses of his official power, and high misdemeanors by him committed in color of his office; and we annex hereunto the record of the superior court of Chatham County, North Carolina, proving his complicity in the crimes of arson and murder, marked Exhibit A. He has beggared the treasury of his State, and plundered, outraged, and betrayed her people; and looks now to the strong arm of the Federal Government as the only means of rescuing him and his followers from the just punishment due to their crimes. The voice of the people of North Carolina at the last elections declared their opposition to him and his party, and his last and desperate resort is to inflame the party passions of Congress, and induce an exercise of unlawful power in his behalf. In furtherance of this scheme, the present measure was instituted, and this committee raised. The two Senators from North Carolina (Abbott and Pool) have efficiently aided it, suggesting witnesses and supplying interrogatories for their examination, and sometimes escorting them in person to the door of the committee room. And what is the character of these witnesses, found ready and in attendance for examination? Joseph W. Holden, the son and accomplice of Governor W. W. Holden, heads the list. He has been an office-holder, fattening on the corruptions of his father's administration, the editor of his party organ; and even his testimony is almost entirely hearsay in its nature, and inadmissible in courts of justice. George W. Kirk and George B. Bergen come upon the

scene; and to the undersigned there seems a strange insensibility to the opinions of mankind in the production of two such atrocious characters in the role of witnesses in this case. Neither of them were citizens of North Carolina, but were called from abroad by Holden as fitting instruments for his dark and bloody intent. In violation of the constitution of his State, he made these two strangers to his people officers of militia, and having declared two counties (Alamance and Caswell) in a state of insurrection, he gave the unhappy residents over to the tender mercies of these two ruffians. Their testimony discloses their absolute denial of having insulted or maltreated their prisoners in any way, and their perjury in these statements is fully proven by the following testimony—

Of Lucien H. Murray, page 320:

Answer. Two miles. I went in and reported to Colonel Bergen.

Question. Did you know him?

Answer. No, sir; I asked if he was Lieutenant Colonel Bergen. He told me he ranked as colonel. I told him my name was Murray, and I understood he had been down to make arrests the day before. He said, "All right; you are the very bird we want." He told me to go into prison. I went in that evening. He called me out to his quarters about an hour by sun and asked me if I belonged to the order. I denied it to him—he told him I did not.

Question. What order did he say?

Answer. Ku-Klux. He then asked me if I did not see Adolphus Moore tie a rope around Outlaw's neck the night he was hung. I told him I did not. He asked me what I saw that night. I stated what I have stated here about what I had seen. He then told me I was telling him a damned lie. I told him I was telling the truth. He then said, "If you don't tell me all about it I will break your damned neck." I told him, "I can't help that." Says he, "Go on back to your quarters; I will have it all out of you. If I can't get it one way I will get it another." It went on that night till about one o'clock; then Colonel Bergen came to my tent with a candle in his hand. I had not gone to sleep. I raised up my head. Said he, "Is that you, Murray?" Said I, "It is," and he walked back to his tent. In a short time he came back again without any candle, touched me on my feet, and told me to get up and come out. I asked him if I could put on my shoes. He told me, "No, you won't have any use for them long." I went out and he took me into his tent with three other men. They all had pistols. He told me I must now make a confession; if I did not he would blow my damned heart out.

Question. He had a pistol in his hand?

Answer. Yes, sir.

Question. Cocked?

Answer. No, sir; he did not have it cocked then; he was sitting on the bed.

Question. How many men had he?

Answer. Three men. I told him I knew of nothing to confess. Said I, "Colonel, I have told you all I know, and I can't tell you any more."

Question. You then told him about what you had told us?

Answer. Just what I have told you—about the same thing. He told me then, "You are a damned liar," and got up, and all four of them cocked their pistols, and he told me if I did not confess he would blow my heart out.

Question. Pointed the pistols at your breast?

Answer. Yes, sir. I told him I had nothing to confess. "Well," said he, "Patten and Rogers, (George H.,) they knew nothing till they were hung up; then they could tell all about it, and you must do the same." He went on to say that he had affidavits filed in his office, that had been made that I did know all about the hanging of the negro. I told him I could not tell him anything. Then he put a rope around my neck, took me out to a place of woods about seventy-five yards, tied my hands behind me, and led me up to a tree, threw the rope over a limb, and asked me if I was ready to make my confession. I told him I had no confession to make. Then they drew me up off the ground, and let me hang there a little while—not long.

Question. By a slip-knot?

Answer. It was a slip-knot.

Question. Choked you?

Answer. Yes; choked me pretty bad; let me hang a little while; it did not hurt me. Then let me down and asked me if I was ready to confess; I told him I had no confession to make. Said he, "If you don't confess I will break your damned neck," and he gathered the rope again, and he and another one pulled me up very tightly, and suspended me a great deal longer than he did before; I can't tell how long; I hung there till I was unconscious; suffered all the pain till I became unconscious. He then let me

down; I was not able to stand. When I came to, I was leaning or sitting up against the tree, and a few men were rubbing me.

Question. To rouse and restore you to consciousness?

Answer. I suppose so; that was the notion. They had taken the rope off my neck. When I got so I could speak, he asked me if I was ready to make confession; I told him I had none to make—that I knew nothing to confess. He then gave the order to put the rope on my neck again, and told the sergeant, "Hang him up to the limb, and let him hang till eight o'clock to-morrow; then cut him down, and bury him under the tree on which he hung;" and he just remarked to me that if I had anything to say—my last words—to speak. I told him I had nothing to say, but if he hung me up to that tree till I was dead that he would have but three more days. He asked me to give an explanation of that word. I did so; I told him, "You may be alive to-morrow morning, and you may not; you may be hanging to a limb close by. If you hang me dead, I am sure you will go through the very same thing." The colonel stopped then, staid a little while, and gave me till ten o'clock the next night to make my confession, and told me if I did not confess by that time, he would take me out and kill me dead. I told him, "I have no confession to make; I never expect to make any more than I have." Then the rope was taken from my neck, my hands untied, and I was carried back to the camp. He told me I should not say anything about what passed that night; if I ever divulged it, he would kill me on sight. Well, of course I never did say anything about it till I was released by Judge Brooks, at Salisbury.

Question. Did you make an affidavit that he did intend to kill you, in order to have him held to bail by Judge Brooks?

Answer. Yes, sir.

Question. When you were with him, was anything said in your presence by Bergen, or any of the other men, about being tried by court-martial?

Answer. Yes, sir; Bergen told me we would all be tried by court-martial, and he was sorry to say there would be quick work made with us.

Question. Did he say that as applying to all the prisoners he had?

Answer. Yes, sir; that applied to all.

Question. How many did he have?

Answer. He had at one time, while we were there at the Shops, thirty or forty prisoners.

And of George S. Rogers, page 311:

Answer. I was sitting in a store, and I saw a squad of men pass the door. There was a black man behind. He came up to the door and asked if I was in there. I told him I was. He ran on past the door and caught up with the officer, and told him I was in the store. I suppose they were hunting me. He came back there and asked for me—asked me if my name was Rogers. I told him it was. He told me to consider myself under arrest. I said, "All right, sir!" He told me to come and go with that man. I asked him where he wanted me to go. He said, "In the country a piece." I asked him by what authority he arrested me. He said, "By order of Governor Holden." I went with him I suppose about thirty miles.

Question. How did you go?

Answer. On horseback.

Question. Whose horse?

Answer. My own. I got to the camp that night between nine and ten o'clock, and was put in a tent under guard, and kept there till the next day about ten o'clock; then Bergen came to the tent where I was, and told me he wanted me to go to his tent. He told me I must tell who hung Wyatt Outlaw. I told him I did not know. He said, "You are a damned liar; I know you do know." Then he remarked, "Don't you know that Dolph Moore and Jim Hunter were the men who hung Outlaw?" I told him I did not know. He said again I was a damned liar. He told me he would give me till that night to tell; and if I did not tell he would make me tell. He said, "I will break your damned neck if you do not tell." Then he told me to go to my tent and stay there. That night, about ten o'clock, he came to my tent and told me to come up to his tent. I went there, and he asked me then if I would confess that I knew who hung Outlaw. I told him I could not—I did not know. Again he said I was a damned liar, and went for a rope. Pistols were lying on the bed; and he picked up his pistol. I stepped outside of his tent. He put a rope around my neck, and led me off to the woods about seventy-five or one hundred yards, and asked me then, if I would tell. I said I could not tell—I did not know. Then he ordered the lieutenant to pull me up.

Question. Was the rope put around your neck with a running noose?

Answer. Yes, sir. He stood in front of me with a pistol cocked, fastened the rope, and the lieutenant pulled it until it was tight.

Question. Did it raise you off your feet?

Answer. No, sir.

Question. It was pulled until the rope was tight?

Answer. Yes, sir.

Question. Did it choke you somewhat?

Answer. Yes, sir.

Question. How long did he keep you that way?

Answer. I suppose about a minute; he told his lieutenant, "That will do"—I think those are the words—and the lieutenant let me down. He asked me then if I would confess. I told him I had no confession to make; then he told me to say my prayers. I think then he asked me if I had anything to say. I told him I had nothing to say. Then, after making several threats to kill me or shoot me, he took the rope off my neck, and going back to the tent, he said, "I believe, Rogers, you are telling the truth, and I will do all I can to release you to-morrow; but I cannot do it without orders from the governor." I staid there at Company's Shops until the 3d day of August, and then started for Yanceyville. I staid all night between Company's Shops and Caswell, at Moore's Store. On the 4th of August there were about fifteen men along who wanted to stop and vote.

Question. What men?

Answer. Prisoners that were with me. He said he could not stay. The polls would have been opened about half an hour after we left. We marched on.

Question. He did not permit them to vote?

Answer. No, sir.

Question. Did these men want to vote the conservative ticket?

Answer. Yes, sir; I suppose so. He marched us on and left the back-drivers, who were carrying our baggage, there to vote. They were colored men. We went on to Yanceyville, and we staid there seven or eight days.

Question. Were the colored men entitled to vote?

Answer. Yes, sir. After staying seven or eight days at Yanceyville, I was carried back to Company's Shops; staid there all night, and until the next night, when I was put in a box-car and carried down to Graham Station, and from there we marched to Graham Court-House, and were kept there till the 19th of August, when I was released by Judge Brooks at Salisbury.

Question. You were brought into court. Was any evidence brought against you of any kind?

Answer. None at all.

Question. Did you see Kirk during that time?

Answer. Yes, sir.

See also the testimony of Mr. Kerr, Mr. Turner, and others, who were prisoners of Kirk, as to his cursing and threatening them that, if the citizens should attack him or attempt a rescue, he would shoot all his prisoners in cold blood and burn down the village of Yanceyville with all its inhabitants.

Following Kirk, Bergen, and Holden, junior, we have William R. Albright, commissioned a brigadier general by Holden, "a vindictive, violent, unscrupulous man," as he is termed by his neighbors, whose excitability of temperament is proven no less by his own testimony than the fact of his being the inmate of a lunatic asylum during a large portion of the time embraced in the inquiry of the committee. This man actually dictated what he called and is now published as the "confession" of W. S. Bradshaw, and put into that statement what he pleased, (vide page 294-298,) and such stuff is called "testimony."

Question. Did William R. Albright tell you that if you would make a statement you should have no trouble?

Answer. Yes, sir; he told me I would be released.

Question. Did he tell you what would be the fate of the people he tried?

Answer. He said they would suffer; there was no doubt about that.

Question. Describe to us how you gave this affidavit. Did you make the statements voluntarily, or did you make them in reply to questions by Albright?

Answer. I did it in reply to questions. He wanted me to state the whole conversation. Those names he proposed himself.

Question. Did he let you speak freely, or would he correct you in making the statement?

Answer. I did that myself; the statement about being a member of the organization, I did that; he wanted me to state my connection with it.

Question. Did he suggest to you the names of the people himself?

Answer. Yes, sir.

Question. In your affidavit I find this language: "I had information from John R. Stockard, who came to my house and told me that there was a plot to assassinate W. Albright, and told me to do all I could to stop it. We talked the matter over, and he

informed me that James Bradshaw was one of the leaders; in connection with which one was Joseph B. Thompson, Milton Thompson, Dick Thompson, Mike Thompson, Alex. Thompson, and John Thompson, of Patterson. I went to see James Bradshaw, who was not at home. I talked with John Bradshaw, who said he would use all his influence to put a stop to it. I had several conversations with James E. Boyd on this subject. He always expressed himself greatly opposed to such, and urged me to do all I could to stop it." When that was read to you, did you tell William R. Albright that it was not exactly what you meant to say?

Answer. About the assassination? Yes, sir.

Question. Did he put that in your mouth?

Answer. He put that in my mouth. I did not know whether it was to assassinate. Assassinate is to destroy, is it not?

Question. It is to kill. Did you know the meaning of it, now it is explained to you?

Answer. Oh yes, sir; I knew the meaning of it. I told him that night that I did not want to be understood so, for I could not tell whether they meant to kill him or not.

Question. William R. Albright took you into a room to put certain questions to you, and then suggested certain names, and a part of that language he suggested to you?

Answer. He named that word, assassinate, himself. I said I did not know about that, whether it was to assassinate him—maybe whip him—like others have been whipped. "Oh," says he, "of course it was to assassinate," and it was put down in that way.

Question. After this was written out, did you read it over?

Answer. No, sir.

Answer. No sir; With regard to the character of these men, he proposed their names, and I told him I was not acquainted with Mr. Moore or Mr. Thompson. He said they were desperate men, and then pointed out that Mr. Moore was the man.

By Mr. BAYARD:

Question. He proposed their names?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Did you say this: "From what I have been told by members of the organization, and by those who ought to know, I regard Peter Fouat's boys, A. G. Moore, J. W. Steele, David A. Mabane, Anderson Thompson, T. T. Turner, as such characters?"

Answer. I did not know anything about Mr. Moore, whether he is a member. Some of them I had never heard of. I do not know to-day whether they were members.

Question. That statement was made in connection with this statement, which I will read to you: "My impression is that there is in Alamance County seventy-five or more desperate men belonging to the organization, who would commit any crime to carry out their purposes and designs."

Answer. That was proposed by W. R. Albright with the whole of that declaration from that out, and I told him I did not know these names.

Question. From what information you now have, do you still believe there were "seventy-five or more desperate men belonging to the organization?"

Answer. I have no idea about it; there might have been that number and there might have been more.

Question. "Who would commit any crime to carry out their purposes and designs?"

Answer. I would not say that.

Question. Was that read to you?

Answer. Yes, sir; I told him at that very time, "I want you to understand that I do not know these men."

Question. You say in your affidavit "my impression is that there is in Alamance County seventy-five or more desperate men, belonging to the organization, who would commit any crime to carry out their purposes and designs." Did you believe that to be true at the time you made that statement, without regard to the names?

Answer. He just had his way; he said that was public opinion, and said he did not want my opinion at all.

By Mr. BAYARD:

Question. Mr. Albright made you give that as your opinion?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Did you give that as your meaning?

Answer. I wanted it to be distinctly understood, and I talked to him since, that I subscribed to it as his (Albright's) opinion. He said he did not want my opinion. I talked to him afterwards, and he said that he never intended to have that part published at all.

Question. Did you not understand that, as stated, to be your impression and not his?

Answer. Not a bit of it.

But the majority of the committee rely largely upon Mr. James B. Boyd, whose sole testimony seems to justify them in the remarkable conclusions they have come to in respect to the condition of society in North Carolina. The testimony of this witness is deemed especially reliable, and attention is therefore drawn to it; it is found at page 17, with an addendum at page 142. The witness is a very young man, and, by his own statements, has little or no personal knowledge of the matters whereof he speaks. He begins by stating that he was initiated by his own law partner, Long, (p. 23,) and voluntarily, p. 17. He took an oath of secrecy as to these and other facts, which he seems to have broken without hesitation. He could not have left the order from any profound conviction of its demerits, as he had so little knowledge of them, having attended but one meeting of the order, (p. 18,) at which nothing was said or done but the initiation of members. No record was ever made, and his knowledge is based upon hearsay only, and the names of his informants not given. His impulse to "confess" seems to have been caused by a mixture of sheer fright and bribery. He was arrested by Kirk, under Holden's orders, and by him and Holden threatened with trial by military commission, with Albright (the "red-eyed") president, and Bergen judge advocate; and the issue of such trial it was easy to imagine—in fact, was announced by Kirk in advance. At this juncture he is approached by Holden with golden offers to "confess;" he yields, and suddenly we find Mr. Holden's "Ku-Klux leader" converted (see pages 82 and 176) into a legal counsel to "bring out confessions and prosecute" his former associates. In his demoralized haste to answer he loses his head, and is flatly contradicted by William S. Bradshaw, on page 292, in regard to his assertions at page 142. He swears (at page 17) that death was the penalty of disclosure, and, at page 23, proves that no attempt at violence had accrued to him from his published "confession." He swears that the vote of a single member could "veto" any proposed measure of punishment, so that his individual action could have prevented the commission of any and every alleged act of lawlessness.

"Social ostracism" is complained of, (page 19,) and so on; weakly and corruptly this miserable young man shambles in his evidence, alleging gravely (on page 22) that Ex-President Johnson is "said to have been" the head of the order; and such is the grade of testimony relied upon to overthrow the social and political fabric of an old Commonwealth, containing nearly one-and-a-half millions of people. Then follow three or four editors of radical newspapers, and with them State officers, judges, solicitors, sheriffs, and constables, all apprehensive of the constitutional convention which shall deprive them of their salaried offices or party spoils, each man speaking more or less vehemently in his own immediate interest, but not one testifying facts, within his own knowledge, tending to prove North Carolina to be less safe as a place of residence than any portion of the Union lying north of her boundaries.

We were not aware of the intention of the majority of the committee to make a report until the meeting of the committee on Wednesday morning, when it was read for the first time and adopted, and many witnesses then in attendance were discharged. It is a matter of serious surprise and regret that the majority of the committee, upon the testimony of witnesses destitute of character, and against the evidence of men of the highest reputation in the State of North Carolina, have come to the conclusion that it is necessary for Congress to intervene to prevent anarchy in that State. The undersigned believe that all the disorders which exist in that State were created by the unjustifiable

and unconstitutional legislation of Congress in regard to its government. The evidence taken before the committee, meagre and partial in its character—taken in secret, and with little opportunity allowed to call witnesses to refute the falsehoods manufactured by the chief criminals in the recent disturbances to exculpate themselves and criminate whole communities of innocent people—discloses, nevertheless, some striking and important facts. The first is that the State of North Carolina enjoyed comparative peace and quiet after the war closed, and until the reconstruction acts of Congress were put in force by the Army; and the second is, that since the State government thrust upon them by Congress has passed under the control of the people of the State, in the election of August, 1870, peace and quiet and good order have again assumed their sway.

The period intervening, marking the epoch of reconstruction, from August, 1868, to August, 1870, also marks the period of disturbance, disorder, and crime; and it may be said, and the evidence proves, that during this time the State government of North Carolina was a conspiracy against the property, the peace, and the political liberties of the people.

Before and at the time of the enactment of the so-called reconstruction laws the State became infested with a class of persons known as carpet-baggers; that is, persons from the North, chiefly in the employ of the Freedmen's Bureau, who were on the lookout for office or for any position to make money without working for it. It was through the influence of these men and some few others, native to the South, who confederated with them that these laws were pressed upon Congress to disfranchise the body of the Southern people and disqualify them for official position, and at the same time to give the suffrage to the negroes. But the negroes, thus made the masters of the destiny of these States, would no doubt have followed the counsels of their former masters if they had been left to themselves, and hence, to gain their object, it became necessary for the carpet-baggers and their allies to destroy the sympathy and good feeling which had always existed between the white people and the black people at the South, and which marked all their relations even during the war, when the blacks worked cheerfully and faithfully to support the wives and children of the confederate soldiers at the front, and remained steadfast and obedient to their masters to the very last. In order to accomplish their purposes the "Loyal Leagues" were established, the negroes were initiated, bound by oaths, harangued in their secret meetings, kept from work by promises of dividing the property of the white people among them, instigated to steal the food they needed, but which their political occupations prevented them from gaining by their labor. This is proven by the direct testimony of nearly every witness examined before the committee, who was questioned on the subject, and most of them were so questioned. We will, on this point, give the testimony of the witnesses in their own language, some of them supporters of General Grant and Union men during the war, and others, men of the highest social position and character in the State.

The following is an extract from the testimony of the Hon. John Kerr, formerly a member of Congress from North Carolina, (p. 406 of the testimony):

Indeed it is the desire, as I think I am fully justified in saying, that immigration should flow into the State—the right sort of men—men of industry and enterprise. We care not for their politics, provided they do not seek to array classes and disturb society.

Question. Have there been among you a number of men from the North who have come there and sought to array classes against each other?

Answer. Yes, we think so—that we have men of that sort from the Northern or North-western country.

Question. With what class do they seek to ally themselves politically?

Answer. The colored people.

Question. Seek to stir them up against the whites?

Answer. Yes, sir.

Question. Has that been one of the chief causes of any ill-feeling?

Answer. I think it has been the principal cause.

Question. You say Northern men that have come into your locality have been in the habit of arraying one class against another?

Answer. I did not use that phraseology. I said Northern men *had done* it; not had been in the habit of doing it. All Northern men have not done it. Some of the best men we have in the country are Northern men.

Question. Have they done it any further than the simple organization of the republican party, in trying to get the colored men all to act with that party?

Answer. I think they have gone further than that.

Question. Will you name any Northern men that have done so?

Answer. I think Judge Tourgee has gone far beyond that line of conduct.

Question. Any other one?

Answer. I cannot think of any at present. He is in my own immediate section. I have heard a great deal about different Northern men, but when I am under oath I dislike to speak of matters I have merely heard of. I have never been accustomed to see such evidence allowed.

By Mr. RICE:

Question. In the political campaign has there not been some attempt to array the white men against the colored men in North Carolina?

Answer. Not that I am aware of.

Question. No attempt to institute any system by which they were required by their employers to vote their ticket or be discharged?

Answer. If there has been any such effort as that made, I am not aware of it. I would like to state, as far as my own county is concerned—one of the largest slave-holding counties in the State in proportion to its population—that I do not believe there is a class of human beings on this earth more disposed to do right and to behave properly, as a class, than the colored people of Caswell generally. When left alone, and not acted upon by white men of evil purposes, they are kindly disposed; and, on the other hand, I must say that, as a general rule, they have been very kindly and generously treated by the whites—ay, magnanimously treated—when we come to view the fact that they have been under the influence of these bad men, as I conceive them to be. They have been led to vote in almost solid column against us. Notwithstanding that they have been generally employed, they are very well cared for, and they are treated with great kindness. Our people have been very much provoked one way and another, but they have generally never been otherwise than kind toward the blacks; and the colored people are, as a general rule, very well disposed. A great many of them are very poor—very necessitous—and a great deal of stealing is going on among them.

By Mr. BAYARD:

Question. You consider, then, the disposition of the colored population of your county is kindly and good if they could be but let alone by those men who are seeking to inflame their passions against the white people?

Answer. Yes, sir; that is my opinion.

Question. In the course of your professional duties have you defended the colored people and acted in their behalf?

Answer. O, a great deal in my life. I have, myself, a great regard for them.

The following is from the testimony of N. A. Ramsey, of Chatham County, who was a captain of the militia, appointed by Governor Holden, p. 309 of the testimony:

By Mr. BAYARD:

Question. You say you were applied to by Governor Holden to take a commission from him as captain of the State militia, for the purpose of examining into the condition and keeping the peace of the county in which you live. Did this lead you to investigate that county pretty thoroughly?

Answer. It did. I went all over it from one end to the other. For the past four years I have been twice a candidate for the legislature, and have been twice defeated.

Question. I understand in the course of this matter that you became aware that men were banded together, and on the one side were the Loyal Leagues; will you describe who compose the Loyal Leagues, mainly?

Answer. They were mixed; mainly negroes, however; they all belong to it.

Question. Was that understood to be a State organization; that is to say, beginning in counties and then extending through the State?

Answer. I do not know; I reckon it was.

Question. In that your understanding, that the Loyal Leagues were formed in the counties and then extending into the State?

Answer. Do you mean whether they originated in the counties?

Question. Yes, sir.

Answer. Oh, no, sir.

Question. Describe their character.

Answer. I understand them to be strictly political, and that they came from Washington City, the headquarters, and were sent down to Raleigh, and from there scattered out.

Question. Who was the head of the Union League in North Carolina?

Answer. Governor Holden; he told me so himself.

Question. Had they not these Leagues in every county?

Answer. I don't know; they had them in Chatham County, and I suppose they had them in all the counties.

Question. They embraced the whole body of the blacks?

Answer. Yes, sir; nearly entire.

Question. Did you ever hear what was the number of the organization in the State?

Answer. No, sir. I may have heard, but I do not remember.

Question. Was it a secret organization?

Answer. Yes, sir.

Question. Bound by oaths?

Answer. So understood.

Question. Did they have signs and pass-words?

Answer. So said; I have seen the book they were said to work by.

Question. What was this organization—to burn barns and houses? of whom was it composed? what was discovered in regard to the extent of the organization?

Answer. Do you mean with regard to the character of the people?

Question. What were the disclosures? What did it turn out to be?

Answer. It turned out to be twenty-five or fifty or more men, almost entirely negroes, and was, so they said, for the purpose of burning barns and houses of the Ku-Klux, or those who were said to be Ku-Klux.

Question. Did they describe themselves as acting under the order of any superior authority?

Answer. They were organized into a company, and one of them was captain. They had to obey the orders of the captain under penalty of death; that is, if they revealed anything.

Question. Did they say that when they set fire to a place, some were stationed to shoot anybody who came to save the building and put out the fire?

Answer. Yes, sir; two of them.

Question. Did any of them say they acted by the order of any person of high authority?

Answer. Yes, sir; according to the testimony of one of them it was by order of Governor Holden.

Question. That was sworn to in their own confession?

Answer. Yes, sir.

Question. This man's name is what?

Answer. Wilson Dewer. It is dated December 19, 1870.

Question. Which was organized first, the Loyal Leagues or what are called the Ku-Klux?

Answer. I never heard anything of the Ku-Klux until eighteen months ago; the League has been there ever since the close of the war.

And on page 393 same witness says:

Question. Does there exist among the black people themselves any disposition to intimidate others in regard to political matters?

Answer. I have heard several of them talk about some of their friends who had voted the democratic ticket, and say that they ought to be killed or whipped, or something of that sort.

Question. Did that make any of them afraid to vote the democratic ticket?

Answer. It did some of them.

Question. Was that fear because of the intimidation practiced by these Leagues?

Answer. They said they were sworn to vote that way; I have heard them say that repeatedly.

Question. Was that a part of the obligation of the Union League?

Answer. I suppose so; I have been a candidate there twice for the State legislature, and I have a negro man living with me who voted against me both times, and he is living with me now. I never said a word to him about voting; I admired him for voting as he pleased—it made no difference with me.

Question. Do you consider that a black man is just as free to vote against his employer there as he would be in any of the Northern States?

Answer. As free there as in any place on the globe; as free as I am or anybody else.

Mr. Josiah Turner, jr., editor of the Raleigh Sentinel, says, (p. 308):

By Mr. BLAIR:

Question. In your examination questions have been put to you in regard to different organizations and secret societies, both the Loyal Leagues and the Ku-Klux organizations; you have stated that they seemed to be in hostility to each other—in antagonism.

Answer. Yes, sir.

Question. Which one of these organizations, according to your information, was first started in the State of North Carolina?

Answer. The Loyal League.

Question. Of whom was it composed principally?

Answer. The colored population and some others.

Question. Was it the general belief in that State that it was composed almost entirely of negroes?

Answer. The negro population, with a few exceptions, belonged to it; then there were several hundred carpet-baggers. In the early organization there were, I suppose, fifteen or twenty thousand whites belonging to it.

Question. Have you any reason to suppose that this organization was instituted originally for political purposes?

Answer. The Leaguers?

Question. Yes.

Answer. My impression is that it was entirely so.

Question. They exercised a great influence, did they not, banding together the negroes in one organization?

Answer. Yes, sir.

Question. Was it supposed that the few white people in the State, carpet-baggers and others, took this means of forming them into a compact body, for political purposes, and in order to elevate themselves to power?

Answer. Yes, sir.

Question. That was the general belief in regard to it?

Answer. Yes, sir.

Question. Nearly all the whites in the State were conservatives, were they not?

Answer. Now they are.

Question. The great body of them?

Answer. Yes, sir; and they always were.

Question. This creates almost an antagonism between the races in that State, does it not?

Answer. Yes, sir.

Question. Is it your belief, or have you any knowledge of the fact, that this organization, known as the Loyal League association, used any intimidations or threats toward the negroes who were indisposed to unite with them politically, in order to compel them to do so?

Answer. Yes, sir. In Wilson County a negro, who voted the democratic ticket, was taken out of his house and whipped; they gave him two or three hundred lashes.

Question. Taken out by whom?

Answer. By the Leaguers; and when the attorney for the prosecution, Mr. Dorsch, proposed to prove that it was by order of the Leaguers, the judge ruled it out as irrelevant. He offered to prove that it was by order of the League that this negro was taken out of his house and whipped. They were indicted and sentenced to thirty and sixty days' imprisonment; but Governor Holden, who at the time was the president of the League, pardoned them in a very few days. Then there was another instance: Major Taltan, who is a carpet-bagger and lives at Brattleboro, issued an order, as president of the League, to bring a negro of Nash County before the council of the League. He was brought there, and after keeping him for some time, part of a day and night, in great terror, they resolved to refer the matter to the governor, who was the president of the League. Major Taltan was indicted in Edgecombe County, the county where he issued the order, and where the League met; and he was sentenced to six months' imprisonment. The negroes who lived in the adjoining counties, a mile or two off, and who arrested this negro by order of the president of the League, were indicted in Nash County, and put in jail for some length of time; I do not remember the time.

Question. For what did they bring the negro before the League?

Answer. For voting the democratic ticket. And the president of the League, who issued the order for his arrest, and the negroes who arrested him, were convicted and sentenced. *But the commander of the district—I have forgotten who it was at the time—sent soldiers with bayonets to open the jail and let out the major; and then the major got an order to let out the negroes who had been sentenced; so that the punishment was not inflicted. They were sentenced, though, and were in jail, all of them; but the commander released them.*

Question. Was it generally understood among the negroes that unless they obeyed the behests of the League, and voted against the democratic ticket, they would be punished?

Answer. Yes, sir; that is the impression among them, and they have been punished.

Question. Was that impression of such a character as generally to deter them from voting?

Answer. Yes, sir; they were deterred from voting.

Question. Would many of them vote with the conservatives but for the existence of this League and its terrorism?

Answer. I have no doubt they would, half of them, more than half.

The following is from the testimony of Daniel W. Kerr, (p. 335):

By Mr. BLAIR:

Question. Was there an organization in your county called the Loyal League?

Answer. I so understood it; I do not know.

Question. What was the general opinion that it was composed of generally?

Answer. It was composed mainly of the blacks and some whites—more blacks than whites.

Question. Did you ever hear of those blacks, in their organization or otherwise, using any efforts to intimidate voters and prevent them from voting the democratic ticket?

Answer. Well, sir, I am satisfied of the fact that they were intimidated, but I do not know that I ever heard of their making any threats in my county.

Question. Have you ever heard any of the negroes say so themselves?

Answer. I have heard negroes assign as a reason for voting the republican ticket that they were abused so much by the other negroes that they were afraid to do it.

Question. Do you believe that these organizations permit any independent action on the part of the negroes?

Answer. I do not.

Question. That they use their power and organization to such effect that the negroes who wish to vote the other ticket do not consider themselves at liberty to do so?

Answer. I think they are afraid to do so.

Question. Do you not think many of them would vote the democratic ticket if they were allowed to do so without interference from their fellow negroes?

Answer. I am satisfied of it.

Question. Are not most of the negroes who are employed there employed by the conservatives?

Answer. Almost entirely.

Question. Do they live upon places rented from the conservatives?

Answer. Yes, sir; nearly all.

Question. Is there not in many instances a great feeling of kindness and friendship subsisting between many of the white people and some of the negroes?

Answer. Yes, sir; the negroes regard those who vote with the conservative party as their best friends. When they get in sickness or distress they are most apt to apply to them for relief. One reason is, they are more able to assist them.

Question. With the feeling and with these facts existing is it not natural that the negroes, if left to themselves, should give support to the candidates of the conservative party?

Answer. I believe they will do it now. I could state a case that would illustrate the feeling among the negroes and the influence of this League. The slaves which I owned—a portion of them—have remained with me since 1865. In 1868—the first election, when the constitution was adopted—I had a boy which I had raised—a grown man—and I had talked to him about the election; tried to explain it to him and get him to understand his interest and mine, though I had no expectation of his voting the democratic ticket at all. The morning of the election he came to me very early and told me he wished to go to the election, and wanted to vote the democratic ticket. I told him I would be there and would see him, and I would fix his ticket all right for him. He told me that he did not want to go up there, and proposed that he would be found at a store near the court-house, and I could fix his ticket for him then. I found him there and gave him his ticket, and he was very much agitated. It was in April, cool weather, but the drops of perspiration were on his face, and his breast was heaving. I never saw him more excited in his life. I gave him his ticket, and he marched up through the crowd and deposited it in the box, and immediately left. I had another living with me that went on the morning of the election, spent half an hour there, and left;

but I saw nothing of him, though he was there all day. He came back and reported that he voted the radical ticket. In the evening I asked the poll-keeper for a list of the persons in my township that had not voted. His name was given as one that had not voted, though he reported that he had voted. This same man afterward, at the next election, voted the republican ticket, and assigned as the reason for it that he had been abused and cursed so much about the other.

The same witness (p. 339) says:

By Mr. BAYARD:

Question. When you speak of the negroes regarding the conservatives as their friends, do you mean when they are sick and in trouble and want that they come to members of the conservative party to help them?

Answer. Yes, sir.

Question. And that they do not go to the radicals; is that what you say?

Answer. Well, yes, sir; they go oftener to the conservatives from the fact that they are more able to relieve them.

Question. And more disposed to relieve them?

Answer. That is my observation.

Question. Is the treatment of the conservatives toward them fair and kind, to the best of your knowledge?

Answer. It is.

Question. You spoke about their voting the radical ticket; do you not believe that is done mainly by the organization of these Leagues, which compel them to vote all in one body?

Answer. Well, that has a great deal to do with it. The negroes are ignorant, too, and they have been misled. A great many of them were influenced to vote the radical ticket at the outset by promises of land—forty acres—and a mule. They were all led to expect that, and I believe the most of them believed they would get it. Then they have been intimidated by threats that the conservative party wished to reduce them to slavery again. That had a great deal to do with it.

Judge G. W. Brooks, judge of the United States district court of the district of North Carolina, says, (p. 282):

By Mr. BLAIR:

Question. Did you ever hear that these Loyal Leagues ever attempted to exercise any sort of intimidation or control over leaguers, to prevent them from voting as they pleased?

Answer. I have heard that.

Question. Do you believe that to be true?

Answer. That was the opinion created on my mind at the last election. I have heard some such complaints around in the vicinity in which I live.

Question. Have you ever heard any of the negroes themselves complain of that?

Answer. I have never heard of but one complaining; I did not investigate it at all.

Question. Was that complaint by a negro?

Answer. Yes, sir.

Question. Did he tell you that he had been prevented from voting as he wished?

Answer. He said that it would be dangerous for a colored person to vote contrary to the wishes of the League.

Question. Did he express the belief that the danger would come from that quarter?

Answer. He did not tell me that he was a member of the League; but he remarked to me that he thought the opposition on the part of the colored people was so strong that it would be dangerous for him to vote contrary to their views.

In reply to questions put by the chairman of the committee, Mr. Scott, witness says:

Question. You have spoken of the Union League; do you know, or have you information that will justify you in speaking of any instance in which violence has been either ordered, excused, or justified by the Union League?

Answer. I cannot say that I have any such knowledge. I have been told of several instances.

Question. In which violence was inflicted by or with the countenance of the body itself?

Answer. I have heard of that.

Question. Where?

Answer. In Chatham, recently.

Question. What was that?

Answer. I have heard of it in other quarters. I have understood that a colored man was punished for voting for Mr. Manning, now a member of Congress.

Question. Did you hear that it was done by order or sanction of the League?

Answer. I did hear, but I have no knowledge, nor do I pretend to know.

Question. Have you taken any part in politics in the State so as to identify you with either of the political parties within the last few years?

Answer. Nothing more than reading the papers. I was a member of the convention in 1866-68. I have not attended political meetings but once, perhaps, when I heard a speech.

Question. I understand from the tenor of your testimony that you are in opposition to the policy of Governor Holden in the affairs of the State?

Answer. Well, yes, sir.

By Mr. BLAIR:

Question. Did you vote for General Grant?

Answer. I was not at home, but was absent on official duties; if I had been I would have done so.

By the CHAIRMAN:

Question. You have spoken of the feeling among the colored people as to the danger of voting against the sentiments of their people; does the same feeling exist among the white people toward republicans who vote the republican ticket?

Answer. Well, sir, I do not know that a worse feeling exists between them than used to exist before the war, as the parties were then arrayed—whig and democratic.

Br. M. Holt, who says he supported Governor Holden in his first election, but voted against him in his second election, testifies, (p. 272:)

Question. Do you know anything of the Union League organization? Is there such an organization there?

Answer. There is a secret League in the county that has been existing ever since or soon after the surrender.

Question. It is composed of whom?

Answer. Composed of negroes.

Question. Did you ever hear of any means taken by those negroes to intimidate other negroes who were disposed to vote the conservative ticket?

Answer. Yes, sir.

Question. Such things have occurred in your own county?

Answer. Oh, yes, sir. An old negro man who formerly belonged to me told me that at the last election another negro came by his house, on the morning of the election, and told him that if he did not go and vote Kirk's men would be sent out and kill him, and after he was dead they would thrust their bayonets through him; and I was a little amused to find that the old fellow had more horror at being bayoneted after his death than of the killing.

Question. Do you consider that the organization leaves the negroes there really any freedom of action at all?

Answer. No freedom of action.

Jacob A. Long, of Alamance County, testifies as follows on this subject, (p. 263:)

Question. You have spoken of the Loyal League, and you have said that the oath taken in the White Brotherhood was to the effect that no member of the League, and of certain other organizations mentioned, should be members of the White Brotherhood. When were the Loyal Leagues first organized in North Carolina?

Answer. I do not know the date. They were in existence at the time this was organized.

Question. It preceded it?

Answer. Yes, sir.

Question. Was the Loyal League organized in Alamance County before you became a member of the White Brotherhood?

Answer. Yes, sir.

Question. Was it not understood generally that the Loyal League was a political organization?

Answer. Oh, yes, sir.

Question. Did they not bring to bear this influence, and use intimidation to overawe the negroes to prevent them from voting the democratic or conservative ticket? Was not that the general belief?

Answer. Yes, sir; they always kept a man at the polls in every precinct, to report each negro as voted the Democratic ticket back to the League again, that they might be punished for it.

Question. Do you know of any negroes who were disposed to act with the conservative white people, but who were deterred by the influence of threats and intimidation from this Loyal League?

Answer. I have heard of several cases—I do not know them to be facts of my own knowledge—where negroes were so deterred, and ran away from the polls after coming there to vote.

Question. Have you ever had any conversation with negroes in which they expressed themselves as inclined to support the conservative ticket, and represented that they were deterred by these combinations among the negroes?

Answer. Yes, sir; several negroes applied to me to go with them to see that there was nobody interrupted them on the way to the polls and back. They said they were afraid. I went on several different occasions that way.

Question. After the war closed, and for some time subsequent, were not the emancipated negroes in great numbers disposed to be idle?

Answer. Oh, yes, sir.

Question. Did they not commit a great many crimes, such as theft?

Answer. There was endless amount of theft, and a great many cases of rape.

Question. That grew out of their idleness and improvidence?

Answer. Yes, sir; idling around from place to place.

Question. By whose influence were they drawn into these leagues?

Answer. I only know what I have heard some of them say—that it was through the influence of some white men in the country.

Question. Generally men from the North?

Answer. Yes, sir; in the district in which I live they represented that a W. Tourgee was the man that started it there, and that through his influence the leagues were organized.

Question. Was he a Northern man?

Answer. Yes, sir.

Question. For what purpose did he organize it?

Answer. They said for the purpose of carrying the republican ticket in the district.

Question. Was he himself a seeker for office and position?

Answer. Yes, sir; he represented Guilford County as a delegate in the constitutional State convention.

Question. How long had he been in North Carolina when he went to that convention?

Answer. I do not know; but a short time.

Daniel R. Goodloe, a native North Carolinian, formerly associated with Dr. Bailey as an editor of the National Era, published in Washington City, one of the ablest anti-slavery papers ever printed in this country—a man who has given many years of his life to the cause of the enfranchisement of the negro, and who was appointed marshal of the State after the war, and now a resident of Warren County, North Carolina, and voted in the last election for General Grant, says, (p. 231:)

Question. Have you any recollection of Governor Holden pardoning offenders who have been convicted of crimes of violence against person and property?

Answer. Yes, sir, he has done that; I could not point out the cases now, but I know it was done, and knew it at the time.

Question. Notorious offenders?

Answer. Yes, sir; and I remember the other day, just before I left North Carolina, of an instance of the colored population mobbing a colored man for voting, or wishing to vote, the conservative ticket; they beat him terribly, I believe; I do not know the particulars; at any rate, they were sentenced to the penitentiary, and Governor Holden pardoned the parties who perpetrated the outrage on him.

Question. Did that create a sense of insecurity for other colored men who might desire to vote that way?

Answer. That would necessarily be the effect, but I do not know how far they knew the fact, or how far it had that effect.

The Rev. J. B. Smith, an Episcopal clergyman, who has resided at Raleigh, North Carolina, for three years, and who went there from New Jersey for the purpose of establishing a school to educate colored men as teachers, under the patronage of the Episcopal Church, testifies as follows, (pp. 220-21:)

Question. You said you voted for General Grant in the last election?

Answer. Yes, sir.

Question. Have you had any conversation with Governor Holden relative to the late election?

Answer. I have had several conversations with him.

Question. In regard to the condition of the State?

Answer. Yes, sir.

Question. How did he express himself in regard to the politics of those who were opposing his election?

Answer. I had a conversation with him, I think, last April. Colonel Hayman was in charge of the camp. He was an Episcopalian, and I had called upon him to pay my respects. I found Mr Barringer, Mr. Kingsland, Colonel Hayman, and Governor Holden together. Mr. Kingsland, was connected with the North Carolina Land Company. He was talking with Governor Holden about the great injury done to the State by his proclamation—that it kept persons from coming into the State to buy land. The proclamation was in regard to certain outrages. I do not know whether at that time he had declared the county of Alamance in insurrection. Mr. Kingsland was talking upon that subject when I went in. Governor Holden was very much excited about the recall of the United States troops, and had received no assurance then that there would be any troops to supply their place. Well, I spoke to Governor Holden and said, "Governor, what distresses me is, that you should put these colored men up for Congress, for responsible officers. I notice in my work among these people that there is great moral injury done to them throughout the State; the effect is very bad; it unsettles them; they do not seem to be disposed to go to regular labor, because they are looking to political preferment." He then expressed himself in respect to the colored people, and said that Congress had seen fit to pass a law by which they were admitted to seats in the State legislature, and he wanted them to have some of the same themselves, and therefore he went for sending them to Congress. Then he said to me, or rather to us all, "Now, if the Government does not send these troops, I shall arm the colored people. I can control by my word 80,000 men. I can go to the convention that is to meet here next week, [a republican convention,] and control them by a word." I remarked at the same time, "That is dangerous power—very dangerous power to be in the hands of one man." He then said to me, in the presence of these gentlemen, "What is to hinder the Ku-Klux from taking you, Dr. Smith? Are you not afraid?" "Not at all," said I. Said he, "There is nothing to hinder them from taking you or any other radical." Said I, "Excuse me, but that is not my name; I am not a radical." Well, then, he went on to say that, for his own part, in his opinion General Grant would hold the Government of the United States, no matter what the election was in 1872; that he desired him to be emperor and his son to succeed him as emperor.

By the CHAIRMAN:

Question. That is, that he, Governor Holden, wished it?

Answer. That he, Governor Holden, wished it.

The Honorable Bartholomew F. Moore, formerly the Attorney General of the State, now and for many years past the most distinguished lawyer, a devoted Union man throughout the entire rebellion, who rode five miles when he heard that the old flag had been raised on the capitol of North Carolina, in order to gladden his eyes with the sight, speaks as follows upon this point, (p. 206:)

Question. Who first organized the leagues?

Answer. I cannot tell you; they seemed to spring up at once like a mushroom—rose right out of the state of affairs, and Governor Holden was the head president.

Question. The president of the central organization?

Answer. Yes, sir.

Question. He controlled it?

Answer. I suppose he did.

Question. Was the effect of this organization to draw the colored people away from their labor at improper times?

Answer. It was, and to diminish their wages. It made them thriftless in many cases. A man could hardly get a laborer in many cases, when he lived near a town where these constant assemblages took place. They became quieted down, however, in course of time. I believe Governor Holden for some time past has withdrawn from the league; at least, as an officer. I do not know whether he still belongs to it or not.

Question. In the distribution of offices throughout the State, was or was not the sole appointing power in Governor Holden?

Answer. Generally for a time it was, and I was sorry to see it announced by him that he would not appoint any person to any office unless he belonged to their party.

Question. He was a strict partisan in his appointments?

Answer. Yes, sir. The result of it was that a large proportion of the gentlemen of North Carolina who had been in office in former times, who had taken just such a part in the rebellion, against their will and wishes, as to make them obnoxious to the provisions for reconstruction, were kept out of office. There is nothing, in my opinion, that tends more to the security of life and property than the respectability of subordinate magistrates. Our

justice of the peace are peace officers. *A great many of the new appointments were of men of known bad character, men convicted of theft, or accused and believed to have been guilty of theft, and men who could not read or write. Why, sir, precepts have been brought to me issued by justices who were not able to sign their names, but who made their mark. Justices who tried important cases, involving misdemeanors for which the parties might be sent to jail, could not write, and had to make their mark for their signature.*

In answer to questions by the chairman of the committee, Mr. Scott, the same witness says, (p. 218):

Question. You have further stated, in reference to the origin of the Union Leagues, that the colored men left their employments to attend the meetings at improper times. Is there not a feeling of indignation or exasperation on the part of a large portion of the white population of North Carolina that the colored men should be allowed any political rights at all?

Answer. There has been a very decided opposition to it. *I can recollect very well when I—and I was among the first to do so—brought forward a proposition to allow a colored man to testify against a white man. There was a very strong feeling of indignation against it and against me; I persevered, however. There are some very prominent men, who are now the very warmest republicans, who opposed me and defeated me in an election to the legislature in consequence of it.*

Question. It is in the state of public feeling I wish to ascertain. Is there not now a feeling very prevalent among the white population of North Carolina, that the exercise of political privileges by the black man is an assumption on his part, and one they would be very glad to have him deprived of?

Answer. Not that it is an assumption on his part. The feeling is this: that the black man is ignorant, and therefore unqualified to vote with intelligence. That is the ground, and that is my only ground. I would except both races alike who could not understand the Constitution of their country. But that feeling is dying out very rapidly.

Question. What was the political complexion of the legislature that approved of this issue of bonds?

Answer. It was decidedly radical or republican.

Question. That political organization controlled the legislature?

Answer. Entirely; the league organization controlled it.

Question. The Union League?

Answer. The Union League, so called, completely controlled it.

Question. Did or did not these leagues embrace the bulk of the colored people of the State?

Answer. Almost all of them.

Question. Were not the leagues chiefly composed of colored people?

Answer. Yes, sir; we have about 80,000 colored voters and about 110,000 white voters in the State.

Question. You believe the colored voters were generally combined in these leagues?

Answer. Almost universally. *So strong at that time was the feeling, that I remember an instance of one colored man, in the county of Wilson, who was whipped by two of the louge negroes for voting the conservative ticket. They were tried for the offense, convicted, and sentenced to three months' imprisonment by Judge Thomas, who was elected by the radical party, and they were pardoned by Governor Holden. At whose solicitation they were pardoned I know not; there may have been very good reasons for the pardon; I only state the fact. Nevertheless, it went out as a public example, and had a very injurious effect, in my opinion.*

Question. Did it have the effect to lead the colored men to think that acts of that kind might be perpetrated with impunity?

Answer. I suppose so.

Question. Owing to the idle condition of the colored people and their consequent want, and then the perpetration of these offenses against property, do you believe that these offenses were increased by the supposed impunity owing to Governor Holden's pardons?

Answer. Well, sir, I would not go as far as to say that; I do not know that Governor Holden was in the habit of pardoning colored persons who were convicted; but I speak of this as an instance which I thought had a very unhappy effect upon the community. I do not know that he has been in the habit of pardoning thieves because they were colored people. I have frequently heard him accused of it, but it may be an unjust accusation.

Question. Was that the general tone of the leagues toward those colored people who did not follow their lead—that of intimidation and punishment?

Answer. It was so; it was a frowning upon them in such a manner as to create terror.

Question. Did it destroy their independence of action?

Answer. Entirely destroyed their independence.

Question. That was throughout the State?

Answer. That was throughout the State, so far as I know. I have very frequently stated myself, and I will use the same expression now, that they were very much like a flock of sheep, which always follow the bell-wether, whether he jumps over a fence or leaps into a pit.

Question. Do not the very persons who justify, or seek to apologize for the outrages committed by the Ku-Klux, do so upon the ground that the enfranchisement of the colored race was a wrong inflicted upon the white people of North Carolina?

Answer. No, sir; the ground upon which they base the action of what they call the Ku-Klux is the fact that outrages were first committed by the colored population.

Question. Have you known any instance in which the colored population have committed any wrong, where there has been any difficulty in court in convicting them?

Answer. Yes, sir; a famous instance occurred just before I left home, where some eight or ten negroes were indicted for having gone in a band and burned several houses in the same neighborhood, in the upper part of Wake County. Two or three of them turned State's witnesses; the others were tried, and were on trial for a week. The jury, as it was said, and reported to me by the solicitor, was packed. After a long trial, there was no conviction; and the solicitor, for the purpose of obtaining justice against these burners removed the trial of the others (for there were three or four indictments) to another county.

Question. Removed the trial from Wake County?

Answer. Yes, sir; that occurred during the month of January last.

George Laws, clerk of the superior court, and judge of probate in Orange County, says on this subject, (p. 195:)

Question. Who organized the colored Union Leagues?

Answer. It was done by what we call carpet-buggers.

Question. Men who had lately come among you?

Answer. Yes, sir; came there in 1865, after the surrender.

Question. Did they organize those leagues?

Answer. That is what they say.

Question. Did they, by means of these leagues, elect themselves to office?

Answer. Well, I reckon some of them did; but I do not know only from report.

Question. Did they try to be elected?

Answer. Yes, sir; Mr. Doweas was elected member of Congress in my district in that way; that is the only case I know of.

Question. The only cases of success?

Answer. Yes, sir.

Question. He is the man who sold the cadetship?

Answer. Yes, sir; the same man.

Question. Were these leagues understood to be oath-bound political societies?

Answer. I do not know that they were so, but that was the understanding; that they swore to stick together and vote together. I had a black man to work for me, and on the morning of the election I asked him if he was going down to vote; he said he was not; that he could not vote the way he wanted to and therefore should not vote at all; I never said any more to him.

Question. Was there intimidation by the members of this league of each other to prevent them from voting of their own free will?

Answer. I think there was at the polls. There are two or three conservative negroes living in my town who were a good deal abused about it, but they hung out and would not be governed by the league, and I think they have gained strength, for there are about twenty colored voters there now.

Question. That is, since the election of 1868?

Answer. Yes, sir.

We might add to the testimony already cited that of Judge Battle, formerly chief justice of the State of North Carolina, and one of the best and purest of the citizens of that State, and the evidence of many other witnesses, as clear and emphatic as any we have quoted. Even the testimony of the most hostile witnesses summoned in the interest of Governor Holden and the radical party admit substantially that the Ku-Klux societies were organized subsequent to the "Loyal Leagues," and is in antagonism to them. But it is unnecessary, after what has been adduced on this point, to quote further testimony.

These, then, were the measures taken to array the negroes in one compact body against the white people of the State in the election of 1868, under the reconstruction acts of Congress. The election was supervised by General Canby, in command of that military division.

Its result is well known. The enfranchised negroes, under the lead of Governor Holden and his carpet-bag allies, backed by the military power of the Government, accomplished an easy victory over the disfranchised white people. But to make it complete, General Canby gave orders to exclude a certain number of the conservatives elected to the legislature. Judge Read, who administered the oath to the members elect, testifies that he was instructed by General Canby to tell certain persons to whom particular disqualifications attached to stand aside, and he then proceeded to administer the oath of office to the remainder. [See testimony of Judge Read, p. 412.] Thus was the reconstruction of North Carolina accomplished upon a loyal basis—a basis composed of ignorant negroes and unprincipled carpet-baggers, cemented and sustained by military power. The result might have been foreseen. The legislature, moved by “a ring” of unprincipled adventurers, went to work to squander the money of the people. They issued twenty-five or thirty millions in the bonds of the State to certain railroad companies; the bonds were issued by Holden to these adventurers without exacting compliance with the law; the bonds were sold and the money went into the carpet-bags and flitted away from the State. Ten millions of this issue was subsequently declared unconstitutional by the courts of the State, and of the balance, not one million of the entire sum was ever applied to the construction of railroads. The value of the bonds sank in the market to twenty-two cents on the dollar. These transactions appear from the testimony of nearly all the witnesses examined; men of all shades of political sentiment testify to this shameless plunder of the State, and all unite in denouncing the outrage and deploring the ruin and bankruptcy that has been brought upon the State. The majority of the committee allude to this matter as showing the latitude allowed in the examination, and are seemingly unconscious of its significance. They do not appear to be aware of the fact that Congress, by establishing a government wholly irresponsible to the people of the State, composed of ignorant negroes, without a dollar of property, and controlled by designing men in search of pillage, made the plunder of the State inevitable. The same result has followed the same measures in every one of the reconstructed States. All have been plundered, and by the same means. The Southern States have thus been robbed of hundreds of millions of dollars by the worthless adventurers who have been placed in control of their affairs by the direct act of Congress, and they have a moral and a legal right to demand that the Government of the United States shall assume and pay the debts contracted by the officers created under their own laws, and placed in power and sustained there by their military authority. The majority of the committee, who displayed such commendable zeal in their inquiries about “the security of persons and property” in North Carolina, having passed over this portion of the testimony without seeming to consider that it involved any question worthy of their consideration, the undersigned call especial attention to the following citations from the evidence upon this point:

Judge Russell, of the superior court, presiding in the Wilmington district, served in the confederate army, but now an extreme radical, says, (p. 183):

Question. Do you know what is the public debt of the State?

Answer. Very large, brought about by very reckless and corrupt legislation, in my opinion.

Question. About how much is it?

Answer. I suppose about \$23,000,000 or \$24,000,000.

Question. What was it before the war?

Answer. About \$12,000,000 or \$13,000,000.

Question. That is what is called the "ante-war debt" with the interest accumulated?

Answer. Yes, sir.

Question. How do you say this addition was brought about?

Answer. I think by the corrupt and reckless legislation in 1868 and 1869.

Question. Was that the legislature elected under the reconstruction act?

Answer. Yes, sir, and by the republican party.

Question. Has the State received any benefit at all from the additional debt?

Answer. Very little, indeed; it was increased \$14,000,000 or \$15,000,000, and the bonds were put in the hands of swindlers who, in my opinion, have swindled the State.

Question. Who were these men; where did they come from?

Answer. Some of them were natives and some of them were known as carpet-baggers. Of the three principal persons two were natives and one was a carpet-bagger.

Question. What were their names?

Answer. Mr. Jones, Mr. Swepson, and General Littlefield. Of course I am speaking very freely and giving my opinion, founded, I hope, upon sufficient reason.

Question. Is that the public opinion of the State?

Answer. I think it is of all parties now.

Question. Is the governor supposed to be implicated in the corruption?

Answer. Well, there is a very general public impression to that effect. My own impression, if you want to know it, is this: I have no reason to believe that he is actually guilty of criminal complicity in these frauds, but that much of it, however, is due to his imbecility and incapacity.

Question. Was not a great deal of the excitement at the last election due to the fact of this corrupt legislation and swindling of the State government?

Answer. So far as the excitement was concerned I do not think it was. There was some feeling about that, and there is much in the political revolution that took place at that time due to that.

Question. There was a great deal of feeling against the State government, was there not?

Answer. Considerable feeling, but I do not think any lawlessness grew out of it.

Question. I did not allude to that.

Answer. I think you said excitement, and I thought you had some reference to that. There was some feeling.

Question. And it led, you think, in a great measure, to the defeat of the radical or republican party in the State?

Answer. I think it led in a great measure to the defeat of the party; nevertheless, there are many localities in which I have no idea there could have been a free election, so far as that party was concerned, even if there had been no excitement growing out of those frauds.

Judge Battle gives the following account of the manner in which this debt was contracted, (p. 171):

Question. What is the present condition of the indebtedness of your State? Or, as that is rather a general question, I will ask you what was your State debt in 1865, at the close of the war?

Answer. I have no paper containing a statement of it, and I am compelled, therefore, to rely upon my recollection of what was stated in Governor Holden's message to the legislature; I think he states that the ante-war debt, as it is called, was nearly nine millions of dollars—between eight and nine millions; and that was increased by appropriations made by the legislature before the war, but for which bonds were issued during the war, and which increase was therefore recognized; but all of what were called the war bonds were repudiated by both the convention of 1865 and the convention called under the reconstruction acts; then the legislature that was elected at the same time the new constitution was adopted—

Question. That was in 1868?

Answer. Yes, sir; that legislature passed bills directing the issue of bonds, I think, to the amount of thirty millions of dollars; may be more. Eight or ten millions of those bonds were, by the supreme court, declared to be unconstitutional, and therefore are not included by Governor Holden in his statement. He makes the present debt thirty millions of dollars, in round numbers; twenty-plus millions and a large fraction over.

Question. That is, including the nine millions of the ante-war debt?

Answer. Yes, sir.

Question. And since the war the debt has been increased over twenty millions, exclusive of that which has been declared to be unconstitutional?

Answer. Yes, sir; for he speaks there of the necessity of providing for that amount.

Question. To whom are those bonds issued?

Answer. To the railroad presidents.

Question. Who appointed those railroad presidents?

Answer. They were elected by the directors.

Question. Who appointed the directors?

Answer. Some were elected by the stockholders, and some appointed by Governor Holden, according to the interest of the stockholders and the State in the road, and these directors elected the presidents. I know that to be so from the fact that a ninth article of impeachment against Governor Holden has recently been adopted by the house of the State legislature, and it received the almost unanimous republican vote of the house; all of the white republicans and some of the colored republicans voting for it.

Question. What is that article?

Answer. That the governor issued some six millions of those bonds to George W. Simpson, as president of the western branch of the Western Railroad, and did not first require what the law demanded.

Question. Who were the directors of that road?

Answer. I do not know; they have been changed since then. A gentleman by the name of Rollins, who is now the president of the road, is in the city at this time; he could tell you.

Question. Is he a North Carolinian?

Answer. No, sir; he is a northern man.

Question. He does not live in the State?

Answer. He has lived there for a few years.

Question. Was there a general public belief in the wastefulness and corruption connected with the creation of that debt?

Answer. Yes, sir; a very general belief.

Question. What effect had that belief on the minds of the people?

Answer. It had the effect, in the western part of the State, of alienating even those who belonged to the republican party from that party. I think it had a very great influence upon the last election.

Question. Was or was not that fear or apprehension of total insolvency of the State one of the leading issues in your canvass, if not a leading issue?

Answer. When the canvass commenced, the great issue was the wastefulness of the party in power.

Question. Governor Holden's administration?

Answer. Yes, sir; and that may be said to have absorbed all others. Just toward the close, the employment of Kirk and Bergen came in, and I think settled the fate of the election beyond all question. It was doubtful before.

Question. The sending of these armed bands into the county of Alamance?

Answer. That had an effect throughout the State; it went like an electric shock from one end to the other. I think it influenced thousands of votes; I know Colonel Dockery, member of the present house, will tell you his defeat was caused by that.

Question. Prior to that what was the absorbing issue?

Answer. It was the wastefulness of the public money; the formation of rings by which they said the treasury had become exhausted.

Question. Describe the formation of rings, and what was the popular belief on that subject?

Answer. The popular belief was, that General Littlefield—who has a great reputation, whatever it may be, in North Carolina—that he and others came there and formed a third branch of the legislature, as they called it, in one of the rooms of the capitol, where whisky and other things were furnished; and it was said that those who could not be bought with money were treated andajoled out of their votes, so that the public money was voted away by millions, and Littlefield, Swepson, and others got the benefit of it.

Question. Was Governor Holden supposed to be privy to this?

Answer. For a long time it was believed that he was not. The only thing attributed to him was, that he did not look sharply at the matter, fight it and denounce it, but that he rather acquiesced in it; but of late they are beginning to charge him with being a participator in it.

Question. Does this charge form a part of the articles of impeachment in his present trial?

Answer. I think not; I think the house of representatives have voted almost unanimously for the ninth article, every white republican voting for it, and eight or ten of the colored members voting against it. I know that a leading republican from the West came down and urged it—said if they would convict him on that charge, which would not be difficult, the conviction would not assume a party character.

By Mr. BLAIN:

Question. What was the ninth article?

Answer. That Governor Holden had issued \$6,000,000 of bonds to Mr. Swepson without conforming to what the law required before they were issued.

By the CHAIRMAN:

Question. Do you say that the ninth article is preferred as one of the charges?

Answer. Well, it has not yet been accepted by the Senate. It was voted upon a day or two before I left, by the house of representatives, and received a large majority.

Question. As an additional article?

Answer. Yes, sir.

Question. You say every white republican voted for it?

Answer. Yes, sir.

Question. And a certain number of the colored republicans voted against it?

Answer. Yes, sir; a few—some eight or ten.

Question. Was the article adopted then by all the votes in the house except those of the colored republicans?

Answer. Yes, sir.

By Mr. BAYARD:

Question. Have you a general knowledge of those eight or ten colored men who voted against it; whether they are persons of any property?

Answer. I have not. I might guess, but I would hardly like to put that in as testimony. Some of them may have property. I could not tell which has and which has not.

By Mr. BLAIR:

Question. Does all the property destroyed in the State by these Ku-Klux and other secret societies amount in the aggregate to anything like the amount of these bonds which have been issued corruptly?

Answer. No, sir; nothing like it.

By Mr. WILSON:

Question. Where is General Littlefield now?

Answer. In Florida. The acting governor of North Carolina, Lieutenant Governor Caldwell, is displaying very commendable diligence in endeavoring to punish the men who have robbed the State. He sent a requisition to the governor of Florida, for General Littlefield. He consulted with me upon the subject. Though he and I belong to different parties, yet I regard him as a very moderate man. Hearing that General Littlefield was in Florida, he made out what I believed to be a perfectly full requisition according to all the forms of law, and sent it to Governor Reid, of Florida. Governor Reid refused to act upon it, alleging that there was some informality in it. It came back to Governor Caldwell, and he supplied what Governor Reid said was wanting, and sent it again. Governor Reid still refused to deliver the man up. Thereupon Governor Caldwell sent a short message to the legislature, requesting them to authorize him to offer a reward of \$5,000 for General Littlefield's arrest. That was passed unanimately and immediately, and thereupon he issued his proclamation.

By Mr. BAYARD:

Question. Was it passed by the votes of republicans?

Answer. Yes, sir; by all parties in the legislature. A pretty resolute man, who was a member of the house of commons, and was sent out there by Governor Caldwell to make the demand of Governor Reid, hearing that the reward was offered, went back and got some men from Savannah to go with him, and they came very near catching General Littlefield. And now the governor of Florida has offered a reward to any man who will catch the man who attempted to kidnap General Littlefield.

By Mr. BLAIR:

Question. Where did General Littlefield come from? Did he live in North Carolina?

Answer. He staid there some time. I cannot tell where he does claim to live. I understand his family live here. He is a northern man. I have understood that he has been operating in South Carolina and Florida, as well as in our State.

Question. Were most of the men connected with the railroads in North Carolina northern men?

Answer. Most of them, I think, were North Carolinians.

By Mr. RICE:

Question. Mr. Swenson was a North Carolinian?

Answer. Yes, sir; General Littlefield was not.

By Mr. BLAIR:

Question. Senator Abbott is one of the directors, is he not, of the Western Railroad?

Answer. I really cannot tell you; I never paid much attention to that matter. General Lusk was a director.

Question. Where was he from?

Answer. From New York. I think he is a brother of the member of Congress of that name.

By the CHAIRMAN :

Question. Was not the legislation authorizing the issue of these bonds participated in by both parties ?

Answer. I understand some of the railroad bills were voted for by some members of the democratic party, but not by the party generally ; only a few.

Question. In authorizing the issue of the bonds, was it made a party question at all, or was it voted as a public improvement ?

Answer. It was voted as a public improvement, but nearly all the democrats voted against it as a wild scheme.

Question. In the organization of the roads were not democrats and republicans associated in the management of them ?

Answer. Well, sir, I can hardly answer that question.

Question. Take the Western road ; was not General Clingman associated with General Littlefield in the negotiation ?

Answer. I do not know ; I never heard about his having any connection with it till I came to Washington.

Question. Do you know now ?

Answer. I do not. All I know is that he claims that Littlefield owed him a debt, and he went to Florida to try to secure it.

Question. One of the directors has stated in his testimony before us that General Clingman was a director.

Answer. I think I have heard so ; but whether he had anything to do with the negotiation I do not know.

Question. Do not both parties join in endeavoring to bring to justice the men who have fraudulently used the funds placed in their hands ?

Answer. Yes, sir.

By Mr. BLAIR :

Question. Did not the radical party defend Governor Holden in the canvass against these charges ?

Answer. Oh, yes, sir ; they did last summer, at first.

From the testimony of A. T. Davidson, (p. 137 :)

By Mr. BLAIR :

Question. What is the public debt of your State now ?

Answer. I can only approximate it. It has been variously stated. It was about forty-four million dollars until the supreme court cut off some ten or twelve millions, reducing it to about thirty-one to thirty-five millions.

Question. How much was it at the end of the war ?

Answer. It was about \$12,000,000, and the accumulated interest, making in all about \$15,000,000.

Question. All the rest has been added since ?

Answer. In the last two or three years.

Question. Is not that fact one which gives your people a great deal of apprehension ?

Answer. It produces a great deal of disquiet.

Question. Is not that fact calculated to cause more disquiet than almost anything else ?

Answer. Well, sir, we have lost almost all hope of trying to do anything under this disaster. The legislature of North Carolina appropriated \$6,666,000 for the Western North Carolina Railroad, and the road has not realized \$300,000, so that there has been an increase of the debt on account of that road of nearly \$7,000,000.

Question. How did it happen that it did not realize but that amount ?

Answer. Because the officers of the company have got the money, and we cannot get at them.

Question. Who are the officers of the company ?

Answer. General Littlefield is president.

Question. Is he a native of North Carolina ?

Answer. No, sir ; I think he is an Ohio or Illinois man. He came there after the war. The first president, George W. Sweeper, is a native of North Carolina, I believe. That is the way we have been treated in the western part of the State, not by the Federal Government, however ; nobody attributes anything to the National Government.

Question. How could this amount of bonds of the State have got into the hands of General Littlefield without the connivance of the governor ?

Answer. Oh, the governor knew it ; he is responsible to some extent.

Question. How was the rest of the addition to the State debt caused ?

Answer. By appropriations for internal improvements ; the whole appropriations amounted to about \$30,000,000.

Question. It was not all for the Western Railroad ?

Answer. No, sir ; for various railroad schemes.

Question. Did General Littlefield have the management of all the roads, or simply of the Western road?

Answer. The Western Railroad.

Question. Who were the other parties engaged in it?

Answer. I am a director of the Western Railroad. The history of it is this: You remember a great disaster happened to North Carolina bonds in New York. After being offered so freely, they went down very rapidly. Mr. Swapson sold about half of them, I understand. He then took a large amount of our funds, and went and bought Florida railroad bonds, and turned everything over to General Littlefield. These were first-mortgage bonds, I think, of the Jacksonville Railroad; they exchanged them with the State of Florida for State bonds, and these they have been negotiating in Europe. General Littlefield has just returned from Europe, and all our money has gone into the Florida Railroad, so that we have got nothing, while they have got a road in Florida which is covered with mortgages, and we cannot reach it.

Question. Is this the same General Littlefield for whom the authorities of your State have issued a proclamation offering a reward?

Answer. Yes, sir; a reward of \$5,000. The matter has gone very far to dissatisfy our people. The whole conduct of the legislature has much to do with it.

Question. What other railroads were there appropriations made for?

Answer. There was an appropriation for the Western Railroad of \$2,000,000. I do not think they have done very little work.

Question. Which is the road that Judge Henry is president of?

Answer. The eastern division of the Western road; that is another road. Judge Henry belonged to a commission with Mr. Woodfin to institute proceedings against the men who had got our State bonds. He is a director of the eastern division; I am a director of the western division.

By the CHAIRMAN:

Question. Were these bonds placed at the disposal of the various roads by an act of the legislature, and actually delivered in pursuance of that act?

Answer. Yes, sir; the State became a corporator to the extent of two-thirds of the capital stock, and the charter provided that before the governor should issue the bonds it should be certified to him that the stockholders who subscribed the other one-third were solvent men, and good for the amount subscribed. But they made a bogus affair of it. I do not know how they did it, but the bonds were issued. The whole capital stock was \$10,000,000.

Question. Was the certificate given to the governor?

Answer. No, sir; Mr. Woodfin, the chairman of the commission, says he cannot find any certificate.

Question. Does that apply to all these roads, or to the one of which you are a director?

Answer. The same provision applies to all the roads for which appropriations were made by the State.

Question. By whom was the certificate to be made?

Answer. The language of the statute is, "It shall be certified." I think it is expected that the president of the road shall make the certificate, or at least procure it to be made.

Question. Was there such a certificate made of the road of which you are a director?

Answer. No, sir, I think not.

Question. Did you get the bonds?

Answer. Our president got them.

Question. Was that fact known to the directors?

Answer. It was known that he got them, but we supposed he had complied with the law.

Question. In practice, by whom were the certificates to be made, and by whom were they made?

Answer. The law does not say by whom, but in practice it is expected that the president either makes or procures the certificate to be made by some one cognizant of the fact, so that it is the duty of the president to present to the governor the certificate.

Question. Would not the certificate have to be made by the officers who have charge of the corporation and of the subscription both?

Answer. No, sir, there is no obligation on the directors to make such a certificate; they had nothing to do with the financial matter, in fact, of the road at all—only to superintend the construction of the road. They were not at the capital; they were 270 miles away.

Question. Who had the management of the finances if the directors did not?

Answer. The directors were also managers, but the president was the financial agent.

Question. Do you say that the certificate was made or else the bonds procured without the certificate, and then that the bonds were put in the market without your knowledge of the fact?

Answer. I do.

Question. Whose, then, is the fault, if there is any, in the matter?

Answer. In the first place, the legislation was loose, not well guarded; secondly, the governor was careless in not looking into the matter when he issued the bonds; and thirdly, the bonds were never submitted to the directors at all, but were taken from Raleigh to New York. Not a single director saw one of them.

Question. And the result is, that through this improvident action apprehension exists in the State of bankruptcy?

Answer. Yes, sir. I do not pretend to say the governor is a party to it. He really appears to have been more negligent than culpable.

By Mr. RICE:

Question. Were not all parties at the time this legislation took place in favor of internal improvements?

Answer. Yes, sir; I think there was no party vote in these appropriations generally, but the result has been disaster to the State in the management of certain parties, and that has produced dissatisfaction. Who is to blame about it I cannot say.

By Mr. BLAIR:

Question. The authorities of the State were those who came in under the reconstruction acts?

Answer. It was the legislature that came in under those acts.

Question. The governor, then, was the same man who is governor now?

Answer. Yes, sir.

Question. And it was by his negligence, you say, if he was not criminal in the matter, that these bonds are issued to the extent they were without any real foundation?

Answer. Yes, sir; Mr. Woodfin, who was appointed on the special commission to investigate the matter, informs me that he cannot find any certificate on file from any one as authority for issuing the bonds. Judge Henry knows about that; he has been a witness here.

By Mr. BLAIR:

Question. The legislature and the State officers that came into power and made these appropriations were chosen at the election which took place under the reconstruction acts?

Answer. Yes, sir; elected at the same time.

Question. By which a great number of the people of the State were disfranchised?

Answer. Yes, sir; they were disfranchised in the first election.

Question. It was the first legislature under the new constitution?

Answer. Yes, sir.

Question. The governor was elected at the same time?

Answer. I think so. The governor was inaugurated in July, 1868, and the legislature did not assemble till the fall. I believe we voted for members of the legislature at the time we voted on the adoption of the constitution.

By Mr. BAYARD:

Question. The legislature, which had to adopt certain preliminary constitutional amendments offered by the Congress of the United States, was the legislature, I understand you to say, that made these appropriations of the public money?

Answer. Yes, sir.

Question. And the State officers elected at the same time had the management of the whole affair?

Answer. Yes, sir. The present legislature is the second one under the reconstruction acts; the other was the first.

Question. Is there anything that has occurred in the State of North Carolina that has caused the people of that State as much anxiety as this profligate waste of the credit and money of the State since the reconstruction acts?

Answer. I think that was a matter of more concern to our people than anything else.

Judge Brooks, United States district judge, says upon this point, (p. 181:)

Question. Has there been in your State, for the last two years, any widespread apprehension among the property-holding class of citizens, growing out of the manner in which the credit of the State had been used by Governor Holden and his administration?

Answer. I think that feeling is universal among all intelligent men, without distinction of party.

Question. State, if you please, the feeling upon that subject among the people in North Carolina.

Answer. I think every man who has any interest in the way of property, or who makes any contribution in the way of taxes, has felt very serious apprehension.

Question. Was Governor Holden and his administration identified with this course of lavish and reckless expenditure?

Answer. In this way: some charge Governor Holden with a participation in the profits that is supposed to have been made out of those abominations, as some of us term them, this bad legislation. I have never been prepared to think or to believe, I would not here express the opinion, that Governor Holden has participated in that way.

Question. You *mean* participated by taking part of the money?

Answer. Yes, sir. Our people, though, do hold him responsible in this way: they think he has failed to do that which was in his power to have prevented it.

Question. Did not this lavish issue of bonds and the misappropriation of the public credit and money occur under his administration and that of the party which sustained him?

Answer. Well, sir, it is a matter of public notoriety, of history, you may say, that the republican party was largely in the majority prior to the last general election. The legislature in session before the present one was largely republican. This extravagance occurred mainly during that time.

Question. The reason that I asked that question was, to prepare the way to ask the question whether or not, in the late canvass, the two political parties arrayed themselves mainly upon the question of perpetuating this system by continuing Governor Holden and his associates in office; and was not the opposition to him mainly upon the ground you have mentioned?

Answer. I do not understand you when you say "the two political parties." I have often expressed the opinion which I held, and which I now hold very firmly, that the result of the last election in North Carolina was not due to party. I think it was a coming together of all the elements there opposed to reckless extravagance and fraud in legislation, for the purpose of putting it down.

By Mr. BLAIR:

Question. Was it not regarded that if Governor Holden's party had been sustained it would amount to a confiscation of all the property in North Carolina?

Answer. Not a legal confiscation.

Question. I do not mean that; but would it not have amounted to that in effect?

Answer. I think the remaining confidence of any property-holder would have been very greatly diminished. I know very well the feeling that actuated me, and I think there were thousands of other men who were actuated by the same feelings precisely.

By Mr. BAYARD:

Question. You think that was the public sentiment that carried the last election?

Answer. I have no question about that, none in the world; I have never entertained a contrary opinion.

George W. Logan, member of the confederate congress, but now judge of the ninth judicial district, and an extreme radical, (p. 189,) testifies very strongly against these "frauds," and declares that the republicans "ventilated" and "exposed" them, and "were open, bold, and outspoken against Governor Holden" on account of them, "from the Cape Fear region to the Cherokee region."

The statement of Hon. B. F. Moore, from whose testimony we have already quoted, is as follows, (p. 206):

Question. What was the debt of North Carolina at the close of the war?

Answer. It was \$14,000,000 or \$15,000,000. I had occasion during the war to cast it up, as an official duty.

Question. Was any portion of the debt voided by the action of the United States Government?

Answer. No, sir.

Question. That was what you may term the bona fide debt of the State?

Answer. Yes, sir; there was about \$6,000,000 added to it, I think, by the issue of bonds by the State, which were evidently issued for war purposes.

Question. Those were voided by the State government?

Answer. Yes, sir.

Question. Therefore the debt standing at the time of the inauguration of a civil government of North Carolina under the United States authority was about \$14,000,000 or \$15,000,000?

Answer. Yes, sir.

Question. To what amount has that debt been increased?

Answer. To about \$25,000,000, I think.

Question. How was that increase made?

Answer. Under the pretended purpose of advancing internal improvements, and it

was principally brought about by persons who were not citizens of the State of North Carolina, but who had a vast influence, by having had positions as officers of the United States Army.

Question. What were the names of the chief managers?

Answer. General Littlefield was the principal man.

Question. What attitude did Governor Holden occupy in regard to the creation of this additional debt?

Answer. He made no opposition to it, and I regretted it exceedingly, because there is no one I know that feels more deeply than I do the degradation of the public faith of North Carolina. I remember very well the degradation to which Mississippi sank in consequence of the repudiation of its debt, and there was not a man in North Carolina that would have assented, at that time, to any such degradation on the part of the State of North Carolina. To pay all the public debt that is now in existence, created by these bonds, amounting to some \$25,000,000, would take one-fifth or one-sixth of all the real estate of North Carolina, at its present tax value.

Question. What was the political complexion of the legislature that approved of this issue of bonds?

Answer. It was decidedly radical or republican.

Question. That political organization controlled the legislature?

Answer. Entirely; the league organization controlled it.

Question. The Union League?

Answer. The Union League, so called, completely controlled it.

These statements are confirmed by every witness examined on this point; not a single witness contradicts it in any particular. Governor Holden in his last message to the legislature, page 4, says the debt of the State is \$30,000,000, and adds that *the people will not and cannot pay it*. This, then, is the admitted, undeniable condition of the State. It is utterly, hopelessly bankrupt! Ruined, plundered, made bankrupt by the governor and legislature forced upon the State by an act of Congress! Will the people of the North permit this whole community to be thus pillaged and plundered by a government created by their Representatives in Congress, and sustained in power by their Army—the Army of the United States? What would the people of any Northern State do under like circumstances? What would any brave people do who were thus despoiled—despoiled of their political rights by strangers and the most degraded class of their own citizens, and then plundered of their individual property, and made bankrupt as a community?

These oppressive and humiliating measures imposed by Congress upon a vanquished and unhappy people, followed by the spoliation described by the witnesses whose testimony we have given, have without doubt caused bitterness of feeling and led to outbreaks and outrages. The testimony proves this most conclusively, and we condemn and denounce them and their authors. They should be suppressed and punished at once and severely and completely. That this can be done, and might have been done long since by legal process and through the courts of law, we are fully satisfied. The evidence taken before the committee shows that there never has been a case of forcible resistance, or resistance of any kind, to any civil or criminal process issued by any court in the State. Upon this statement all parties unite, and not a single witness denies the fact.

Judge C. R. Thomas, formerly judge of the superior court for the third judicial district, now a republican member of Congress, says, (p. 96):

Question. Were your writs served?

Answer. They were all served except as to two or three parties. A writ was never served upon one of the parties named in this communication, Ash D. Vane, and also in regard to two or three others.

Question. Why was that?

Answer. They slipped out of the way.

Question. They evaded the process?

Answer. They concealed themselves in the woods, and went from one county to another.

Question. They did not forcibly resist its execution?

Answer. No, sir; I have not known an instance of forcible resistance.

Thomas Settle, a judge of the supreme court, and a republican, says, (p. 80):

Question. In regard to the execution of process, can the officers of the law make what arrests their processes require without resistance?

Answer. Yes, sir; they have had no resistance; it has been a matter that they have commented on, the fact that they could be arrested anywhere.

Question. No obstruction?

Answer. None at all; not as a general thing; perhaps there have been some instances.

Question. Are you aware, yourself, of any molestation of officers of the United States or of the State in serving process?

Answer. No, sir.

Question. Would you state it as a fact that it is perfectly practicable for the United States civil officers to serve process and arrest a prisoner all over the State?

Answer. Well, I should say not in certain portions of it; not, however, with regard to those matters so much as revenue matters. I have heard of resistance and danger to United States officers, growing out of the revenue.

Question. Was that in respect to the collection of the tax on spirits?

Answer. Yes, sir; I have heard there is some danger in that, and I imagine there is.

Question. You mean in regard to the seizure of illicit stills?

Answer. Yes, sir; with some officers traveling in certain districts.

Question. With these exceptions, do you know that it is perfectly practicable to serve processes throughout the State by an unarmed official of the United States?

Answer. Yes, sir; I think there would be no difficulty in serving process.

Lewis Haines, editor of the "Old North State," an unflinching Union man, says, (pp. 62, 63, 64):

Question. From your knowledge of the public sentiment, derived from your position as the editor of a newspaper, do you believe that, in those counties where this organization exists and perpetrates those wrongs, justice can be secured in the courts of those counties against the perpetrators of those wrongs?

Answer. From the nature of the organization it would seem not. I have no doubt that any civil process could have been executed at any time without any difficulty; that there never was any necessity for a military force to aid in its execution. But the obligations of the organization, so far as I know anything about them, which is only from the testimony of which I have spoken, would go to show that jurors, &c., would combine to protect them. Those men who were bound over to appear at the court in Alamance were never punished at all; but I think the fault of that was in the remissness of the governor of the State. The testimony in those cases, to my mind, seemed to be perfectly clear. The testimony was put on record, as in all such judicial proceedings, the parties were bound over, and the witnesses were recognized to appear; but, as I have been informed, the solicitor did not send in any bill when the court came to meet.

Question. To what court do you refer?

Answer. The court of Alamance County.

Question. Did I correctly understand you as saying that if the civil authorities in Alamance and Caswell had been diligent in the prosecution of their duty, there would have been no necessity for the presence of a military force to put down the disorders there?

Answer. What I said was this: that there had been no time when those parties could not have been arrested by the sheriff and his deputies, on a civil process; whether the juries would have combined to protect them I cannot say.

Question. That fact was not tested in consequence of the remissness of those whose duty it was to prosecute?

Answer. That is what I mean; that the solicitor did not send bills to the grand jury. And that I attribute to the remissness of the governor in not sending one of the counsel that he had employed in prosecuting the cases before the justices of the supreme court.

W. P. Bynam, solicitor of the ninth judicial district, and a republican, (p. 57,) says:

By Mr. BAYARD:

Question. Is there any difficulty in your district in the service or execution of civil process?

Answer. I think not—not the slightest.

Question. No resistance to the officers?

Answer. None whatever; in no instance has there been resistance.

Hon. Bartholomew F. Moore says, (p. 200:)

Question. Assuming that this theory of yours is correct—that violence has grown out of the facilities afforded by these organizations—has not a state of violence been reached in many counties in your State, through these outrages, as to have rendered the civil law powerless to punish the offenders?

Answer. No, sir.

Question. Are you acquainted with the state of affairs existing in Alamance and Orange Counties in 1860 and 1870?

Answer. I am acquainted through the examinations, for I was one of the counsel in the habeas corpus cases. I am acquainted with the account which has been given through the papers. I have never heard of an instance where there has been any resistance at all to the arrest of any man against whom a precept issued, whether that precept was taken by a white or black man.

Question. After the process has been executed and the alleged criminal arrested, have you known any instance in which the offenders charged with what are known as Ku-Klux outrages have been convicted?

Answer. Well, sir, I cannot call particular cases to recollection. I think there have been many convictions, and there have been many unjust acquittals.

Judge Brooks, United States district judge, says on this subject, (p. 278:)

Question. Since you have held that office, and up to this time—or, as I do not care to go back to the earlier part of your service as United States district judge, within the last two years I will say—have you known of any obstruction to the peaceful execution of the process of your court?

Answer. None whatever, unless this can be called an obstruction; and in one sense I suppose it is an obstruction. The enforcement of the internal revenue laws there is exceedingly obnoxious to a very large class of our people; I reckon about as obnoxious as almost any law that has been enacted.

Question. Relating to taxes upon what articles?

Answer. To the taxes upon whisky and tobacco. In two instances, after parties have been convicted in the courts and sentenced, they have been released from jail by force. Those are the only cases of obstruction that I have ever met with in the execution of any law that has to be executed there.

Question. Where were those jails?

Answer. One was in Chatham County, and the other was in Burke County.

Question. Were they common structures—ordinary county jails?

Answer. Yes, sir; but the parties did not break from jail; they were released by force.

Question. By their friends?

Answer. Yes, sir, I think so.

Question. Had politics anything to do with their release in that way?

Answer. I do not think it had. In Burke County there were some three or four released whom I had recommended for pardon. But the President was very slow in acting upon their cases, and their friends became impatient and released them. Their offenses were very trivial, and I had imposed the minimum punishment of \$1,000 fine and six months imprisonment in jail. They were offenses against the revenue laws for distilling without a license, and manufacturing tobacco; in these instances it was for distilling.

Question. Is there any difficulty in having process served and parties arrested?

Answer. Do you refer to process issued by the court over which I preside?

Question. Yes.

Answer. None whatever.

Question. Then would you state, as a fact, that the execution of the laws of the United States, which are those of which you take particular cognizance, is unobstructed in your State?

Answer. With the exception of the two instances to which I have alluded, where the parties have been released by force, as I have stated, I do not know of any place in the United States where the criminal law has been more faithfully executed than in North Carolina, since I have presided over a court there. I do not think there is any more prejudice or difficulty in obtaining a conviction in a fair case than used to exist in the execution in the State courts of the State criminal laws before the war.

Daniel R. Goodloe says, (p. 220:)

Question. What was your office at that time?

Answer. United States marshal for the district of North Carolina.

Question. How long were you connected with the National Era?

Answer. The paper was started by Dr. Bailey in 1847, and continued to be published till some time in the spring of 1860. I was not regularly employed on it till the latter

part of that period. I was a frequent contributor from the beginning. The first numbers he published contained a long essay of mine.

Question. That was quite a distinguished anti-slavery paper?

Answer. It was so considered—perhaps the foremost one in America. In 1858 Dr. Bailey employed me to take charge of the paper while he went to Europe. He died on the passage, and I continued to conduct the paper.

Question. In what capacity did you go to North Carolina after the war?

Answer. As marshal of the State.

Question. How long did you act as marshal?

Answer. I was appointed in September or October, 1865, and I remained there till April, 1869, when I was displaced.

Question. Did you, while there, employ deputies in different parts of the State?

Answer. Yes, sir, many.

Question. Did you have any difficulty in the execution of the processes of your courts, the service of writs, and the arrest of individuals, where that was required?

Answer. I do not think there was ever any serious difficulty in executing process. In one instance I was interfered with by General Sleskos; I reported the case to Washington and was sustained, and he was recalled. I directed my deputy not to yield, except at the point of the bayonet.

Question. Did you and your deputies find full and perfect security against personal violence in that State?

Answer. I never heard of but one exception, and that was where an old deputy was a little afraid to arrest the whisky distillers in the mountains who violated the laws, but a young man that I employed did execute the process.

Question. Do you recollect the name of the young man?

Answer. It was Neer; I forgot his name, but he lives in Burke County.

Mr. T. F. Lee, radical sheriff of Wake County, a Massachusetts man, (page 77,) says:

By Mr. BYARD:

Question. You spoke of serving processes through the county; had you any difficulty in doing so?

Answer. None whatever; I never found any difficulty at all in my county.

Question. Since you have been serving there as sheriff, have the courts held their regular terms?

Answer. Yes, sir, always.

Question. Has there been the case in all the other counties of which you have spoken; the counties of Orange, Chatham, Alamance, Johnson, Caswell, &c.?

Answer. Yes, sir.

Question. You say you never had any resistance to serving your processes?

Answer. None whatever.

Question. Neither by day nor by night?

Answer. No, sir; I have always served my process or arrested my man without any difficulty in my county.

Question. By what political party were the various judges throughout your State elected or appointed to office?

Answer. They were all elected by the republican party in 1865.

Question. Are their terms of office still running?

Answer. Yes, sir.

There is also on file in the executive department at Raleigh a communication to Governor Holden, dated from Asheville, North Carolina, June 27, 1870, and signed by H. M. Henry, solicitor eleventh district, Virgil S. Lusk, solicitor twelfth district, J. Sumner, sheriff of Buncombe, A. H. Dorrell, jr., editor, and others, (most of whom were summoned and testified in behalf of the prosecution,) from which the following passages are taken:

Peace, order, and quiet prevail everywhere. The civil law is omnipotent in the execution of its decrees, and the political excitement is beginning to run high, and public discussions are becoming frequent. We have no apprehensions that any disturbances will be occasioned thereby. We can beat our adversaries in a plain straight-out fight.

There is no opposition to the organization of the militia, and will be none, and their aid, we think, with the general disposition of our people for quiet and repose, will protect us in any contingency in the future.

See also the testimony of William Turrentine, a radical deputy sheriff and constable, at p. 46.

It will be seen from the above statements that there has been no resist-

ance to the execution of the process of the courts, no obstructions to officers in the exercise of their functions. The report of the majority seeks to evade the force of this fact, thus admitting the fact, by asserting that the Ku-Klux organization is so banded together as to defeat the ends of justice by intimidating witnesses, packing juries, and procuring witnesses to swear falsely in favor of the accused if he belongs to that order. The reply to this is easy and complete. The statute law of the State gives the solicitor and the judge the power to remove causes from any locality in the State to any other locality, at the option of the prosecution. Every judge and every solicitor in the State was a radical. There were localities in the State in which the radicals predominated overwhelmingly, and if crime was committed where the influence of the Ku-Klux prevented a conviction, it was only necessary for the solicitor to make a motion, and the judge could order the removal of the cause from county to county until a satisfactory result was reached. (See page 42 of President's message of January 17, 1871, where said law is set forth in full. See also testimony of B. F. Moore, p. 213, and Judge Thomas, p. 96; Judge Russell, pp. 179 and 180; John Kerr, p. 405; Judge Brooks, p. 276; Moore, p. 212.)

It is perfectly evident from the evidence that the process of the courts could be executed without military force, that no resistance was offered to its execution. It is clear also that the causes could have been removed from any place to some county in which a fair trial might have been had. Why, then, did the governor prefer to resort to the extreme measure of proclaiming the counties of Alamance and Caswell in insurrection rather than use the remedies ready to his hand of removing the causes to counties in which convictions might have been obtained? Why did he call on the President for troops, set on foot his negro militia, led by ruffians imported into the State on account of their extraordinary brutality, and proceed to seize, imprison, insult and torture his prisoners? There is but one explanation. His object was to strike terror to the people and drive them from the polls, and thus carry the elections and maintain himself and his fellow miscreants in power, and thus be enabled to continue to plunder and tyrannize over the unhappy people who had been subjected to his sway by the direct action of the Congress of the United States. This is the only explanation which can be given for conduct so utterly unnecessary. Who ever heard before of the proclamation of martial law in a country where the process of the civil courts could be executed without resistance? If he had caused the law to be executed in the ordinary way, through the courts, the clamor which had arisen against him and his allies for pillaging the State and giving away millions of dollars to the desperate adventurers who infested the State like vermin, would have continued, and carried the election against him. He therefore meditated his *coup d'état*, his grand military stroke of policy, which was to strike terror to the hearts of the people. He called the President to his assistance, and he, to whom he already looked as his future emperor, did not fail him in his hour of need, but dispatched the troops of the United States to sustain this worthless miscreant and conspirator in power.

Having failed in his nefarious purpose, and apprehensive that he might be dealt with for his crimes, his first effort is to propitiate those whom he has wronged by confessing what all know to be true, that peace, good order, and quiet are supreme in the State. Here is his confession, which will be found on page 19 of his message to the legislature, delivered in November, 1870:

The result of this action on the part of the Executive, in pursuance of the Constitu-

tion and the laws, has been in the highest degree fortunate and beneficial. The power of the State government to protect, maintain, and perpetuate itself has been tested and demonstrated. The secret organization which disturbed the peace of society, which was sapping the foundations of the government, setting the law at defiance, and inflicting manifold wrongs on a large portion of our people, has been exposed and broken up. Well-meaning, honest men, who had been deceived into this organization, have availed themselves of this opportunity to escape from it, and will henceforth bear their testimony against it as wholly evil in its principles and its modes of operation. A score or more of wicked men have been driven from the State, while those of the same character who remain have been made to tremble before the avenging hand of power. The majesty of the law has been vindicated. The poor and the humble now sleep unmolested in their houses, and are no longer scourged or murdered on account of their political opinions. Peace and good order have been restored to all parts of the State, with the exception of the county of Robeson, in which some murderers and robbers are still at large, but it is expected they will speedily be arrested and brought to punishment. In view of this altered and gratifying condition of things, I issued another proclamation on the 10th of this month, revoking former proclamations which placed Alamance and Caswell in a state of insurrection. Allow me, gentlemen, to say to you, in the language of this proclamation of the 10th instant, that I trust that peace and good order may continue; that partisan rancor and bitterness may abate; that our people, of all classes and conditions, may cultivate harmony and good will among themselves; and that the whole people of the State, without respect to party, may unite fraternally and cordially to build up North Carolina, and to elevate her to the proud eminence which she once occupied as a member of the American Union.

This confession is confirmed by the statement of Judge Battle, (p. 175:)

Question. You have spoken of two classes of outrages, one directed against property and the other of a retaliatory character, directed against the persons who were supposed to commit them—these whippings, &c.; do you believe there is now through your State a popular disposition, accompanied by a legal efficiency, to punish such offenses on either side by law?

Answer. I believe that all the people of North Carolina are now so disposed, and I believe a bill has been introduced in the legislature for the purpose of making highly penal the holding of all these secret political organizations.

Question. In the present legislature?

Answer. Yes, sir.

Question. To punish and arrest such a course of things?

Answer. Yes, sir.

Question. Do you believe such laws can be efficiently executed?

Answer. I believe they can.

Question. With the sentiment of the people in their favor?

Answer. Oh, yes, sir, of all parties.

W. H. N. Hunter, sheriff of Lenoir County, and a radical, says, (p. 398:)

Question. How about the peace and order of your community; are the people down there pretty quiet and civil toward each other?

Answer. Yes, sir; they are tolerably quiet now.

Question. Peaceable and good neighbors?

Answer. Yes, sir; there is a great deal of political excitement there.

Question. Is there security for person and property in your midst, in your community?

Answer. I could not say that there was not; I think there is, so far as I know.

Question. You have no knowledge of anything to the contrary?

Answer. No, sir; I have not.

Question. Does that extend to people of all classes and of both races? Do all have their rights before the law? Is that your impression?

Answer. Yes, sir.

Judge Brooks, United States district judge, gives this emphatic testimony, (p. 278:)

Question. Do you read any of the papers published in the northern cities—in New York and elsewhere?

Answer. I do; I cannot say that I am a regular reader of them.

Question. You keep yourself generally informed of the condition of affairs in the country at large, as stated in those and other papers?

Answer. Yes, sir.

Question. In your opinion is there equal security of person and property under the law in North Carolina that there is in the other States of the Union that lie north of your State?

Answer. I cannot say that it is otherwise now. There has been a time when I think it was otherwise.

Question. Just succeeding the war?

Answer. No, sir; at the period I alluded to just now—last winter and spring a year ago, and the fall preceding.

Question. Do you confine that statement to the counties you have named?

Answer. Yes, sir.

Question. Well, excepting those counties, and the period of time you have mentioned, do you think there has been equal security of person and property in the State of North Carolina that there has been in any other State in the country?

Answer. That is my opinion; with the exception of those localities and the period I mentioned. I live in the northeastern part of the State; and in the section of the State where I live, and for a hundred or two hundred miles around me, we have never experienced any difficulty there; within the last eighteen months there have been a great number of Pennsylvanians who have purchased property and settled there. I have never observed any feeling whatever against them; they are well received, and I think they feel as secure in their persons and property as I do, or as do any other citizens of our State.

E. M. Holt, an old gentleman of the highest character, says, (p. 271:)

By Mr. BAYARD:

Question. I will ask you whether the condition as to general peace and good order in the county where you reside is not now equal to that of any other time which you recollect?

Answer. I am sixty-four years old, gentlemen, and I assert most positively that the peace and quietness of the county is as good now as it ever has been during my whole recollection.

Question. Do you consider that people, without regard to their political views or their color, can obtain justice for themselves in your courts and be protected in their rights?

Answer. They can.

Question. You have no doubt about that?

Answer. None at all.

The following letter from Captain Smith, (p. 27 of the President's message January 17, 1870:)

HEADQUARTERS STATION OF RUFFIN,
Ruffin, August 8, 1870.

SIR: I have the honor to report, for the information of the post commander, that since my arrival here on the 29th ultimo, when I found an exciting political contest going on among the citizens of the vicinity, which was prosecuted with vigor by both parties until election day, the 4th instant, not a single case of riot or disturbance has been brought to my notice up to this time.

I am informed by all persons with whom I have conversed on the subject, that no political campaign here has ever been conducted with more order than that so recently concluded. The disposition to assist and submit to the civil authorities seems general. How far the presence of troops contributes to this feeling I am unable to say; but the present sheriff of the county, a republican, informs me that he has always been able to make arrests and exercise all the functions of his office without let or hindrance.

Very respectfully, your obedient servant,

FRANK G. SMITH,
Captain Fourth Artillery, Commanding.

First Lieutenant J. W. POWELL,
Adjutant, Post of Raleigh, Raleigh, North Carolina.

Dr. Smith, who founded the school for colored teachers, says of them, (p. 220:)

Question. Do they talk to you freely about the condition of their race and their prospects in the State?

Answer. They talk as freely as pupils generally do.

Question. You are upon friendly terms with them?

Answer. O, of course, I could not be engaged in the work if I had not at heart the desire to elevate them.

Question. Among these people is there a sense of security as to their person and property and political rights in the State?

Answer. I know of nothing among them evincing that they do not feel perfectly secure. I think some of them may have the idea that political rights are not secure from what they hear or read in the papers, because it is charged that the purpose of

the present administration in North Carolina is to take away the rights of the colored people, and ignorant people, those who are not thoroughly intelligent, may be disturbed by such things.

It will be observed that the testimony contained in the reports of the United States military officers sent into North Carolina by the President, upon the application of Governor Holden, are unanimously in contradiction of the existence of any "organized bodies of disloyal and evil-disposed persons in the State of North Carolina, which have in view or threaten resistance to the action of the laws of the United States, or denial to the citizens of the United States equal protection of the laws," &c.

At page 19 of the President's message of January 17, 1871, Brevet Lieutenant Colonel Frank, United States Army, reports, October 2, 1870:

Therefore there has never been, in my opinion, much ground for apprehending an open opposition to Federal authority.

Major Stewart, Fourth Artillery, United States Army, December 28, 1870, at Fort Macon:

Since I have been in command of this post, this portion of the State has been quiet and undisturbed, nor can I learn that there are any organizations of the kind referred to in this vicinity.

Captain Evan Thomas, Fourth Artillery, commanding post of Lumberton, North Carolina, December 30, 1870, reports, (p. 20):

The cause of the trouble in this county is in no way political. A band of outlaws, six in number, have been for the period of four years hiding in the numerous swamps that traverse this county in every direction, and robbing and murdering the citizens. They have committed since the spring of 1868 four murders in this county, and about as many more in the adjacent counties. These murders were committed partly to obtain plunder and partly because the men murdered tried to have these outlaws caught and brought to justice. Robbery has been frequent here for years back, but not until after the close of the rebellion was any band formed for that purpose. Every one of this band have indictments against them for murder. The civil authority is powerless to do anything toward their capture. They are mulattoes, and have almost as many friends as enemies. They have friends partly from fear of them, and friends who are suspected of helping them in their acts. The part of this county they mostly frequent is a settlement of about twenty-five square miles, called Souffleton, which is mostly inhabited by mulattoes, who always give these outlaws information of any expedition against them, and resist the civil law themselves. Taxes cannot be collected from nor warrants served on any of the inhabitants of this settlement. Sheriff's possums have been resisted successfully, and most of the citizens of this and other counties are afraid to travel through the settlement alone, even in daylight.

Captain Frank G. Smith, Fourth Artillery, commanding at Raleigh, December 30, 1870:

I have the honor to state that, except through the newspaper press, common rumor, and published official documents, emanating from the civil authorities, nothing pertinent to the subject of inquiry has come to my knowledge.

But one application for military aid has been made by the civil authorities since I succeeded Captain Frank in command of the post at Raleigh, and this I understood was caused by a band of outlaws in Robeson County, whose actions had no political significance whatever.

Captain John Mendenhall, Fourth Artillery, commanding post Fort Johnson, December 31, 1870. (p. 22:)

I have the honor to report there is no organized body of disloyal or evil-disposed men in this immediate section of the State. In this county, Brunswick, and New Hanover, the people, so far as I know, are good, peaceable, law-abiding citizens. " " " " " I do not know of any other organized body of evil-disposed citizens in this State.

Colonel Henry J. Hunt, Fifth Artillery, January 2, 1871:

I found political feeling running very high, and great excitement existed, growing out of the proclamation of the governor, declaring certain counties in a state of insur-

reaction; the arrest and confinement of many of the citizens by the State troops; the refusal of the State authorities to obey the writs of habeas corpus issued by the chief justice of the State in their behalf, and the failure of the latter to enforce his writs, because it would lead, as was alleged, to civil war.

The excitement was intensified by the asserted intention to try the prisoners by military courts, composed of officers of the State troops, (one regiment of whites commanded by Colonel Kirk, serving mostly in the insurrectionary district, and one of colored troops, Colonel Clark, headquarters at Raleigh.) There was much apprehension that such trials, if had, would lead to military executions. A copy of my report on the subject, marked "A," is appended.

The prisoners held by Colonel Kirk, or under his orders, claimed that they were deprived of their rights and liberties as United States citizens, and applied to Judge Brooks, of the United States district court, for writs of habeas corpus, which were granted, and all, or nearly all of those brought before him, discharged from custody.

Soon after, the United States marshal in Raleigh, Mr. Carrow, made application to Captain Frank, Eighth Infantry, commanding the post, for military aid in serving process issued by Chief Justice Chase, United States Supreme Court, against Kirk; two or three urgent applications were made in rapid succession, the marshal stating that Kirk was surrounded by armed men, from whom he apprehended resistance; that he had no armed force, nor could he procure one capable of overpowering the force at Colonel Kirk's command, and that it would be useless for him to attempt to serve his process without the aid of United States troops.

I was with Captain Frank when these applications were received, and went with him at once to see the marshal, who stated that he had a number of writs against Kirk, who evaded him, and that force would be required to insure their service.

I then suggested to Mr. Carrow that he should see the governor, who could suspend Kirk from his functions, and, if necessary, direct the next in command to arrest and turn him over; that if this application failed, or Kirk should attempt to resist him, to call upon me.

I heard no more on the subject, nor do I believe, although I had many complaints of their lawless violence toward citizens, and even toward United States soldiers, and had application for protection against them, that the State troops intended or would have ventured to offer any resistance to the United States authority, civil or military, nor do I believe that, in this sense, there were any organized bodies of disloyal and evil-disposed persons in the State.

III. As to "murders and outrages committed by disloyal organizations for political purposes," I suppose that those alleged to have been committed by the so-called Ku-Klux are referred to. I heard of none such as happening while I was in the State, to which any importance could be attached. Of those which occurred previously to my assuming command, that which created the most excitement was the murder of Mr. Stevens, a State senator, some time in May, I think. This was looked upon by the members of his party as undoubtedly a political murder, perpetrated by the Ku-Klux.

The party charged with this murder was arrested by Colonel Kirk, brought before the State judges on a bench-warrant, and bound over to appear when required. *As the chief justice did me the honor to invite me to take a seat on the bench, I heard all the evidence, which was published, and can, I suppose, be procured. That against the accused was very slight, and there was no evidence whatever to show that the murder was the work of any political organization, or that the accused belonged to any such organization.* Evidence of the existence of such organizations in both political parties was produced; nearly all the cases inquired into proved, however, that other than political purposes were effected through the facilities afforded by these organizations, whose machinery was used to punish theft, burglaries, insults to women, and other offenses in no way connected with politics. In fine, their principal business seemed to be to do the work usually performed by "regulators" and "vigilance committees."

These crimes were bad enough in themselves, but in the bitterness of party feeling they were greatly exaggerated and misrepresented, and attributed to the political parties as such.

To what extent murder and outrages were committed for political purposes I am not in a position to state, for when the legislature passed laws to punish the members of secret organizations, they were, to a great extent, if not wholly, dissolved, and this was before I assumed command of the district.

Respectfully submitted.

Major George B. Rodney, Fourth Artillery, commanding at Yanceyville, July 30, 1870, at page 20:

There is no possible chance of there being a collision between the State troops and citizens. Colonel Kirk, who is in command of the militia, appears to fear an attack, and has made great preparations for defense by barricading the court-house, doubling his guard, and posting a strong force of pickets, and his whole cause for alarm is some foolish reports given by negroes. I do not hesitate to assure you that

there is no fear of disturbance between the citizens and military unless Kirk provokes them to it, and it seems to me he has been endeavoring to do so ever since he has been here. In regard to the Ku-Kluxism, I know very little, save that I have not been able to find any one, black or white, who has ever seen one, but only heard of them. Colonel Kirk tells me he has plenty of evidence to trace outrages which have been committed by such an organization. What the outrages are, or when they have been committed, is a mystery to me as yet.

RUFFIN, NORTH CAROLINA, August 14, 1870.

LIEUTENANT: The condition of affairs in Yanceyville is beginning to be serious, the North Carolina State troops under Colonel Kirk being nothing more than an armed mob, and the more generally exasperated at the present condition. I have fears of an outbreak. Colonel Kirk is either endeavoring to create a disturbance between the people, or my men and his own troops, in order to justify his recent conduct. His men roam round the country and pillage and insult the people with impunity, and some threaten to attack my men. Last night one of my men, without previous provocation, was struck with a stone by one of the militia; and since my company has been reduced, both officers and men have been subjected to insults, and now the feeling is so strong that, in my opinion, nothing but a strong force of United States troops will preserve the peace.

The militia threaten to burn the town of Yanceyville when they leave, and unless there is a strong force of United States troops there when they are disbanded, nothing will prevent them.

RALEIGH, N. C., September 11, 1870.

SIR: The undersigned, a deputation from the colored people of Newberry, South Carolina, to visit North Carolina to ascertain the truth or falsity of certain rumors in regard to the treatment of colored people since the August election, have learned that you have been here some weeks in your official capacity, and relying entirely upon the correctness of your observations and impressions, beg respectfully, that you will reply to the following inquiries:

1st. Is it true or false that since the August elections in this State the colored people are compelled to carry passes about with them in order to secure their protection?

2d. Is it true or false that colored people are now whipped at the whipping-post?

3d. Is it true or false that the rights of the colored people, as secured by law, are ignored in this State by the white people.

4th. Is it true or false that the public schools are closed against the colored people?

5th. Have you any reason to fear or believe, from your intercourse with the people, that the whites, or the conservatives and democrats, have any purpose or design to attempt to interfere with or abridge any of the rights and privileges of the colored people now secured to them by the Constitution and the laws?

A plain answer will much oblige your obedient servants,

HOSEA WYNN, a Democrat.

CASEY DAVIDS, a Republican.

General HUNT,

Commanding United States Forces in North Carolina.

HEADQUARTERS DISTRICT OF NORTH CAROLINA,

Raleigh, September 11, 1870.

GENTLEMEN: I have the honor to acknowledge the receipt of your note of yesterday's date informing me that you have been deputed by the colored people of Newberry, South Carolina, to ascertain the truth or falsity of certain rumors with regard to the treatment of colored people in this State since the election in August, and asking me to reply to certain questions which you propose. To these questions I reply as follows:

Question 1st. "Is it true or false that since the August election in this State the colored people are compelled to carry passes about them in order to secure their protection?"

Answer. I have never heard of a colored person being compelled to carry such pass, nor do I believe that they have been compelled to do so.

Question 2d. "Is it true or false that colored people are now whipped at the whipping-post?"

Answer. I have not heard of such a case, nor do I believe that one has occurred.

Question 3d. "Is it true or false that the rights of the colored people, as secured by law, are ignored in this State by the white people?"

Answer. To the best of my knowledge it is not true.

Question 4th. "Is it true or false that the public schools are closed against the colored people?"

Answer. It is not true. Schools are not established over the whole State, but they are being established as rapidly as practicable. The only distinction between white

and colored people is that there are separate schools for the two colors. But the character of the schools is the same, and it is the testimony of all with whom I have conversed upon the subject that there is no disposition to deprive, in any manner, colored children of the advantages of public schools. On the contrary, the desire of both political parties is to give them equal advantages with white children.

Question 5th. "Have you any reason to fear or believe, from your intercourse with the people, that the whites, or conservatives and democrats, have any purpose or design to attempt to interfere with, or abridge any of the rights of the colored people now secured to them by the Constitution and the laws?"

Answer. I have not. From my intercourse with gentlemen of both political parties, I have been impressed with the conviction that it is both the desire and intention to respect the rights of the colored people, and to give them such farther security for their rights as circumstances may show to be necessary.

I will add that I came to this State but a few days before the election; that immediately after the result was known, numerous colored people applied to Army officers for employment which would enable them to leave the country with the troops, as they were afraid they would be ill-treated, and perhaps reduced to slavery again. I believe this fear has worn off, and those who were alarmed on the subject now feel safe.

Respectfully, your obedient servant,

HENRY J. HUNT,

Major General U. S. A., Colonel 5th Artillery, Commanding.

This concurrent testimony from the United States officers ought alone and of its own force to satisfy the Senate and the country how little foundation there is for the charge of organized resistance to the United States Government or its laws in the State of North Carolina; and how the President of the United States could have considered it as tending to prove the existence of "disloyalty" in North Carolina the undersigned are unable to conceive. An examination of the depositions taken before the committee, and their comparison with the documents appended to the messages of the President on these subjects, will exhibit a more repetition of the same facts by the same witnesses, thus making each case of outrage do frequent service in the way of exciting new horrors and arousing additional animosities.

Again, it is to be observed that different witnesses recount the same cases of outrage, with such variations as their imagination may create. An examination of this mass of testimony will disclose the fact that no outrages are proven to have occurred in more than six or eight counties, all of which are named, and of these counties Alamance and Caswell were chiefly alleged to be the scenes of such lawlessness. These were the counties selected by Holden as the peculiar objects of his vengeance, and which were committed to the mercies of Kirk and Bergen. And yet, when the chief sufferer, whose case has been recited by almost every witness called from that region, (one Caswell Hoyt, a colored man, who was most cruelly beaten by a band of disguised men and subsequently wounded severely,) was brought in person before the committee to recount his sufferings (see page 348 of the testimony) his personal knowledge of all the cases in that county was limited to six, and four of these outrages had been committed by a band of disguised colored men, whose leader confessed it to Caswell. The number of these outrages, detestable and wicked as they are, is nevertheless grossly and wildly exaggerated; and this no one can doubt, who will examine the testimony and who has had any knowledge of the credulity and inaccuracy of statement characteristic of even well-meaning colored people.

North Carolina is one of the largest States, territorially, in the Union, and is divided into eighty-seven counties and contains nearly one and a half million of people. No act of lawlessness is actually proven to have been committed, excepting in one or the other of six, perhaps eight, of these counties; and yet it is proposed to employ violent and stringent measures of coercion or repression to the remaining nine-

tents of a State against which no breath of evidence or proof of lawlessness has ever been adduced; but which, on the contrary, exhibits a condition of quiet almost suggesting the insensibility of despair.

What cause can be alleged, what justification to the American people can be urged for this renewed and wanton invasion of a peaceful community? The statement that anarchy there exists is absurdly untrue, and the testimony now laid before the Senate overwhelmingly establishes its untruth.

If aggressive laws are to be enacted, let all disguise be cast off and the true reason avowed. It will not be less violent or wrong, but it will be less hypocritical and more manly. To any fair-minded man we confidently commit the proof contained in the testimony now presented by the committee, and aver that in the face of such wrongs as have been inflicted upon an unfortunate and crushed people by the rulers placed over them, not by their own consent, but by the exercise of despotic powers by the Congress of the United States, no example of equal submissiveness and patient endurance can be found in history as is now presented by the people of the State of North Carolina.

This is the truth in a nutshell: that Holden and his official supporters have failed to maintain themselves by any means, foul as well as fair, in their State. They have appealed to popular election, and have been rejected with something near unanimity by every tax-payer in the State; and now Congress is asked to step in and force North Carolina down again under the feet of her radical masters; and we fear that Congress will attempt to do this unwise and wicked thing. Will the people of the North (*free as yet*) see this thing done and sustain its promoters? We hope not, we pray not. When will the men now in power learn the truth of what the great statesman of our century said so wisely and well, when similar attempts were made to govern British India?

It is the nature of tyranny and rapacity never to learn moderation from the ill success of first oppressions. On the contrary, all men thinking highly of the methods dictated by their nature attribute the frustration of their desires to the want of sufficient rigor. Then they redouble the efforts of their impotent cruelty, which producing, as they must produce, new disappointments, they grow irritated against the objects of their rapacity; and their rage, fury, and malice (implacable because unprovoked) recruiting and reinforcing their avarice, their vices are no longer human. From cruel men they are transformed into savage beasts, with no other vestiges of reason left but what serves to furnish the inventions and refinements of ferocious subtlety for purposes of which beasts are incapable and at which fiends would blush.

FRANK P. BLAIR.
T. F. BAYARD.

EXHIBIT A.

Report of evidence in cases of State vs. William Battle and others, all colored men, for arson.

Preliminary trial before Justices John T. Moffitt and B. W. Brown. Parties bound over to the superior court of law for trial, and tried at a special term of said court for the county of Chatham, State of North Carolina, begun and held 23d day of January, 1871, Hon. A. W. Tourgee presiding.

Verdict of jury: Guilty.

Sentence of court: Luke Olive, 20 years in penitentiary; Hardy Stewart, 20 years in penitentiary; Wilson Dewey, 12 years in penitentiary; William Battle, 12 years in penitentiary; Wyatt Eolan, 7 years in penitentiary.

Chatham County, justice's court.

STATE
vs.

MERRITT JUDD, WILLIAM BATTLE, and others. }

Before J. T. Moffitt, justice of the peace.

The State of North Carolina to any constable or other lawful officer of Chatham County, greeting:

Whereas James H. Mims hath complained on oath before the undersigned justice of the peace in and for said county, that Merritt Judd, William Battle, Green Stewart, Hardy Stewart, and Joe Dennis, of said county, did on or about the 6th day of December, 1870, in the night-time, at and in said county, did unlawfully and willfully set fire and burn the barn and contents, it being the property of complainant James H. Mims, contrary to law and against the peace and dignity of the State. You are, therefore, commanded forthwith to arrest the said Merritt Judd, William Battle, Green Stewart, Hardy Stewart, and Joe Dennis, and have them before me the undersigned, or some other justice of the peace in said county, to answer said complaint and be otherwise dealt with according to law. Herein fail not, and of this warrant make due return.

Signed and sealed this 13th day of December, 1870.

J. T. MOFFITT,
Justice of the Peace.

Chatham County, justice's court.

STATE
vs.

WILSON DEWER. }

Before J. T. Moffitt, justice of the peace, and B. W. Brown, justice of the peace.

Hardy Stewart, witness for the State, being duly sworn, states that Wilson Dewer sent for him to meet him at Piney Hill Church, near Mr. Benton Rollins's, on Sunday the 4th of December, 1870, the first Sunday in December. On Monday night afterward Mr. J. H. Mims's barn was burned; myself, Luke Olive, and Alfred Jones went out and were talking about burning J. H. Mims's barn; were there talking a while; Luke Olive said he had to leave, and for me to see Wilson Dewer, and I and Wilson Dewer was talking about burning Mr. Mims's barn; Wilson Dewer said it must be done. I then told him when we were going to burn it, and wanted as many as we could get; Wilson said he lived some distance off; he would come if he got a good chance, he did not care anything about the distance; Wilson Dewer said there was other men that belong to the same company that would come if could get them word; he said it was their same company that was burning barns up there; he knew some of them; that was along when they were burnt. Wilson Dewer belongs to the company; he is captain; I am a member; Wilson Dewer was present at Jim Howell's when I joined; Wilson Dewer sent for me and Joe Dennis to come up to Brittain Beckwith's; when we got there and had been there a while, Wilson Dewer came in and said we would go up to Jim Howell's to meet the other crowd; Wilson Dewer was captain that night; Jim Howell administered the oath; Wilson Dewer told us if anybody was whipped or anything done to them to let him know it, and he would tell us what we must do, who we must burn, &c.

Cross-examined by defendant:

Question. Was there anything said between me and you about burning Mr. Mims's barn, at Piney Hill Church, on Sunday before his barn was burned, on Monday night?

Answer. Yes, there was; me and you were talking about it.

Question. What did we meet at Brittain Beckwith's house for?

Answer. We met there to put down this Ku-Kluxing.

his
HARDY + STEWART.
mark.

Alfred Jones, witness for the State, being duly sworn, states that in conversation at Piney Hill Church, on Sunday before J. H. Mims's barn was burnt on Monday night, myself, Wilson Dewer, Hardy Stewart, and Luke Olive were talking. Hardy said that when Mr. Mims's said for the Ku-Klux to ride, they would ride; and when he said for them not to ride, they would not. Wilson Dewer then said his barn ought to be burned; and whatever Wilson Dewer says, it has to be done. Wilson Dewer was standing talking; me and Luke Olive went where they were talking there a little while. I stepped off and left Wilson talking with Hardy and Luke. After meeting broke, Luke Olive came to me and asked me to come over to Hardy Stewart's Monday night soon. I told him I would not come, and asked him why he wanted me to come.

He said him and Hardy was going to burn something that night. We have a company raised for the purpose of burning property; I know Wilson Dewer belongs; I joined a night or two after Samuel Clemons was whipped last spring. I went up to Jim Howell's; he asked me if I was in favor of my country; I told him yea. He went then into his kitchen; after we went in, Wilson Dewer gave me a book to swear on. Wilson Dewer was called captain. Jim Howell administered the oath to me; him and Wilson Dewer then swore in others that night. Jim Howell was president. After got through swearing all in, made arrangements to burn Mr. Calvin Branch's barn the night after. Wilson Dewer, Stanley Stephens, Mack Watson, Bent Clemons, Dick Judd, Jim Barker, Ned Hunter, Henry Howell, and Neil Prince was detailed to burn the barn. They were all ordered to carry their guns; ordered by Wilson Dewer. They talked about burning other barns and cotton-gins that night. Wilson Dewer talked more than the rest of them, for he was captain; Bent Clemons stuck fire to Branch's barn. They shot at Mr. Branch that night. At another meeting, at Holly Springs, they spoke about burning Baldy Booker's barn; also Dr. Buchanan's and W. H. Norris's.

Cross-examined by defendant:

Question. Did you see me, Luke, and Hardy talking that Sunday?

Answer. I did.

Question. Were we all talking together?

Answer. You were.

Question. Did you hear me say that Mr. Mims's barn ought to be burned?

Answer. I did.

Question. How do you know who burnt Mr. Branch's barn?

Answer. Because I was present, and heard the company made up.

Question. You say I helped swear you in?

Answer. You did.

his
ALF'D + JONES.
mark.

Taken before me this the 19th day of December, 1870.

J. T. MOFFITT, Justice of the Peace.

Wilson Dewer, the defendant, being brought before the undersigned justice, charged according to the annexed warrant, on his examination states that he did not have any conversation with anybody about Mr. Mims on Sunday at Piney Hill—the Sunday before J. H. Mims's barn was burned—except with Hardy Stewart; did not speak to Alfred Jones that day; I told Hardy Stewart to meet me at Piney Hill Church on the first Sunday in December, 1870; I am a member of a club to meet the Ku-Klux or the Union Club; I joined last spring; I joined at Jim Howell's; he called all of us together to hear Governor W. W. Holden's orders; I went to Jim Howell's; I got there; he told me to hold on until the whole crowd comes; he had called in all *black* around in the neighborhood. When the crowd got there, he got out the orders and read them. The orders was for us all to join together in a club called the Union Club. Alfred Jones was there, Stanley Stevens, Ned Hunter, Dave Clemons, Sam Cox, Hardy Stewart, Sam Clemons, Thomas Clemons, Harry Judd, Dick Judd, Jim Barker, Neal Prince, Mack Watson, Elisha Beckwith, Jesse Beckwith, Daniel Berker, Jim Howell and his two boys, Rufus and Henry. They were talking about burning Mr. Calvin Branch's barn. We met there a night afterwards, and the orders was read that we received from Governor Holden; was not read the first night. We were sworn in the first night we met, and they elected me captain. When the orders was read, I told them I would resign, and have my name scratched off. The order was for us to attack the Ku-Klux, and *burn out all we thought was Ku-Klux*. Then Jim Howell read over Jo. Norris's name, at the head of the list, and some other white man; don't recollect what his name was; do not know who was along when Mr. Branch's barn was burnt. Rufus Howell, Mack Watson, Stanley Stevens, Luke Olive, Sam Cox burnt Mr. Jesse Burt's dwelling-house; I heard Rufus Howell say so. He said he talked with the man that lived on his place the time while Stanley Stevens was firing the house that was burnt. If any man told the secret about this company they were to be killed and put out of the way, and nobody to say anything about it. That was in the orders from Governor Holden. We were to give signs to know one another with our three fingers, by touching our breast, elbow, and thumb. There was five words also given us, which was, Lincoln, Liberty, Loyal, Union, League. To the best of my knowledge, them was the words that was read out of a little blue-back book. Charles Adkins told me they were going to fire Thomas Luther's barn, and told Jeff. Mims to take his wheat out if he had any in it, as it was going to be the next barn that was burned.

his
WILSON + DEWER.
mark.

Taken before me this 19th day of December, 1870.

J. T. MOFFITT, Justice of the Peace.

STATE
vs.
ALFRED JONES. }

Alfred Jones, the defendant, being brought before the undersigned justice, charged according to the tenor of the annexed warrant, and being put on his examination, says that he was at a meeting at Piney Hill Church, near Mr. Benton Rollins's mill, and on that day myself, Luke Olive, Wilson Dewer, and Hardy Stewart had a conversation after preaching, about burning barns. Hardy Stewart said that when Mr. J. H. Mims said for the Ku-Klux to ride they would ride; when he said for them not to ride, they would not ride. Wilson Dewer said that his barn ought to be burned. Hardy Stewart said Mr. Gaston Rollins sold nails to the Ku-Klux. Luke Olive said yes, the first thing Mr. Rollins knew he would be burnt up. Hardy Stewart said Mr. Jesse Rollins told him he had better sell his gun; if he did not the Ku-Klux would get it. Luke Olive said yes, the first thing he knows he will get burnt up. I then started to walk off; Luke Olive asked me if I could not come over to his house where he lived, some Monday night; I told him no, and asked him why; he said him and Hardy Stewart were going to burn something that night; I then started off home. I know there is a company, a secret crowd, formed and raised for the purpose of burning and destroying property. I joined that company last spring; I think in the month of April, 1870; I went to Jim Howell's to join; Wilson Dewer, Jim Howell, Sam Clemons, Dave Clemons, Jesse Beckwith, Elsie Beckwith, Dick Judd, David Barker, Bent Clemons, Morrill Beckwith, Stanley Stevens, Mack Watson, Jim Barker, Ned Hunter, Henry Beckwith, and Neil Prince was there; Wilson Dewer was captain that night. Jim Howell was vice-president; Sam Clemons was orderly. After we went into Jim Howell's kitchen Wilson Dewer administered an oath to me and then told me what I must do; they told me that if any one told the oath outside of one that belong, they would be put to death. We made arrangements that night to burn Mr. Calvin Branch's barn on Saturday night following. Wilson Dewer, Mack Watson, Stanley Stevens, Bent Clemons, Jim Barker, Dick Judd, Neil Prince, Ned Hunter, and Henry Howell was detailed that night to burn Mr. Branch's barn. The order was for them all to carry their guns, which they did do. Bent Clemons stuck fire to the barn. They shot at Mr. Branch when he started out to put out the fire; also the same night made arrangements to burn Mr. Collins's gin. There was no appointment who should burn Mr. Collins's gin, but said they would burn it, for it was a place where the Ku-Klux went to. Luke Olive, Stanley Stevens, Mack Watson, Rufus Howell, Sam Cox was the men that burnt Jesse Burt's dwelling-house. They said the cause of burning Mr. Burt's dwelling was, he helped whip Sam Clemons, or they thought so. At one meeting up about Jim Howell's they spoke about burning Captain W. H. Norris's barn, because he backed up the Ku-Klux. They said they were going to burn Mr. Baldy Booker out, for he was one of the head men of the Ku-Klux. They—officers—was generally the men who said what burning was to be done. They also said they must burn Doctor Buchanan's barn, for he was a Ku-Klux. I know of a good many that belongs to the organization.

his
ALFRED + JONES.
mark.

Taken before me this 19th day of December, 1870.

J. T. MOFFITT,
Justice of Peace.
B. W. BROWN,
Justice of Peace.

STATE
vs.
MERRITT JUDD. }

Tony Mims, witness for the defendant, being duly sworn, states that he went to Will Battle's on Monday night that Mims's barn was burnt. We got there about hour and a half in the night. When I got there, Jos Dennis and Hardy Stewart walked up about the same time. Nobody was there but Will Battle and his two children.

Cross-examined by Mr. MIMS:

Question. Did you meet any person when you were going from Will Battle's house to T. B. Rollins's?

Answer. I did. Met Luke Olive about one hundred yards from Will Battle's house, which I had just left.

Question. Did you hear any gun fired in the direction of Will Battle's that night.

Answer. I did.

his
TONY + MIMS.
mark.

Dred Stewart, witness for the defendant Judd, being duly sworn, states that Merritt Judd was at Benton Rollins's on the Monday night that Mims's barn was burned. I went to the house before daylight down. Merritt Judd was not there then. Came after night, about one hour in the night. I think I went off. Left Merritt Judd there. When I got back he was there. I was gone from Benton Rollins's house about one and a half hours. Went to Will Battle's. Went there after a bedstead. As I left Will Battle's I met Luke Olive about one hundred yards from his house, going in the direction of Will Battle's. When I got to Will Battle's no persons were there but his family. After I got there Hardy Stewart and Joe Dennis walked up.

Question asked by WILL BATTLE :

Question. Who did you meet as you went off from my house ?

Answer. I met Luke Olive about one hundred yards from the house.

his
DRED + STEWART.
mark.

Cain Gunter, witness for the defendant Andrew Davis, being duly sworn, states that he was with Andrew Davis the night Mr. Mims's barn was burnt. Was with him all night long, and that they were nowhere near Mr. Mims's.

his
CAIN + GUNTER.
mark.

Taken before me the 17th day of December, 1870.

J. T. MOFFITT,
Justice of the Peace.

STATE
vs.
MERRITT JUDD. }

Merritt Judd, one of the defendants, being brought before the undersigned justices, charged according to the annexed warrant, and being put on his examination, says that he knew nothing about the burning of J. H. Mims's barn until Tuesday morning, at Mr. John Avent's, and then Benton Cotton told him about Mr. Mims's barn being burnt. Says he staid at Mr. Benton Rollins's; got there about 6 o'clock. As I went in I met Dred Stewart and Tony Mims coming out at the gate. They told me to go on to the house, and stay there; they would be back after awhile. They were going off. Tony told me to go and call for supper. I told them I had been to supper. I went on to the kitchen and set down by the fire, and set there until they came back. I suppose they were gone about hour and half; they came back; we set and sung awhile, and talked; went to bed, or lay down on some cotton, and slept until morning; then I left.

his
MERRITT + JUDD.
mark.

Taken before me the 17th day of December, 1870.

J. T. MOFFITT,
Justice of the Peace.

STATE
vs.
HARDY STEWART. }

Hardy Stewart, one of the defendants, being brought before the undersigned justices, charged according to the tenor of the annexed warrant, and being put on his examination, says that himself, Wilson Dewer, Luke Olive, and Alfred Jones went to Piny Hill to meeting, on the first Sunday in December, it being 4th December or thereabouts, near Benton Rollins's mill. Wilson Dewer and Luke Olive told me to come there; they wanted to see me after the meeting was over. Myself, Wilson Dewer, Luke Olive, and Alfred Jones went out to ourselves. Luke Olive asked me how far it was to J. H. Mims's barn. I told them I reckoned it was three or four miles. Said we must burn up J. H. Mims's barn to-morrow night. Wilson Dewer said he lived some distance off, but did not mind the walk. Luke Olive said he would come to my house Monday night. I told them I was working at Mr. Gaston Rollins's, and did not have time to go off and burn barns. Wilson Dewer said it must be done. I told them, then, I would go with them, but I did not care much about it, because the night was too light, and it was dangerous. Luke Olive then spoke and said, "Never mind about that; he was not afraid." He also told me to get some matches from Mr. Rollins on Monday, and to get some fat pine; told me to get it about as long as my hand, and to have it and the matches at William Battle's, where I lived, by the time he got there. I got to the house between 6 and 7 o'clock. I think I had been there about half hour,

and Luke Olive came in the house and sat down. He had been there, I think, about one hour. I went out doors, then went back to the door and gave three knocks with my foot on the floor right in the door. Luke then got up and came out where I was. I told him I thought it was too light to burn Mr. Mims's barn that night. He said it was not; that he would go. Then asked me if I got the matches and pine. I told him yes, I had them. Luke then said to me, "You have not split it up." He told me to split it. I told him no, he might split it; he knew how. He then (Luke) took the ax and split it up fine. He then said, "Let's go." I said, "If we are going, let's go." Luke then picked up the pine and said, "Ain't we going to carry the guns?" and asked me where they were. I told him they were in the house, and I asked him if we should carry our guns. He said, yes. I then went and got my gun, and he (Luke) asked me where the other gun was. I told him it was in the house. I went and got it for him, and told him it was already loaded. He asked me how long my gun had been loaded. I told him some time. I think I shot my gun off, and reloaded it again with buckshot. We then started on to Mr. Mims's barn. After we got off a piece I took half of the pine and carried it. We came on the road and crossed the bridge at White Oak Creek. We then got over the fence into the cotton patch, and left the road and came up a bottom in the woods up to J. H. Mims's barn. When we got in sight we stopped. I told Luke Olive there was the barn. We then went on up to the barn. I gave him all the pine and asked him where I must get. He (Luke) told me I must get out between the barn and house, and if anybody started to come out to the barn I must shoot them. Luke handed me the matches and the fat pine, and told me to strike them by putting two or three together. I took them and struck fire, and put it in some straw we put under the west side of the barn, and then I put my pine on the blaze. I then took up a handful of straw that was burning and stuck it in the straw pen, which set the straw pen on fire. When the blaze began to shine up went in the woods. I started on back, down the way we went up. He (Luke) told me to stop, and let's shoot whoever comes out to put out the fire. I kept walking on the way we came. We got two hundred or three hundred yards off, and I saw somebody coming walking or running up the road. We were out in the woods, and we stopped. He (Luke) says let's shoot him. I told him we were too close the road, he would see us. Luke then shot at whoever he was. I thought it was Mr. Thomas Mims. I then shot at him and ran. I heard him shoot at us. We then went on home. Luke did not go with me home; went in about three hundred yards of where I live, and then he went on to his home. I went on in the house. When I got in Joe Dennis and my father was lying before the fire. Do not recollect everything that me and my father said after I got back. I think the first thing he asked me was what for luck I had. I told my father we had first-rate. My father knew where we were going that night. Told us that it was most too light nights to burn barns, and that we had better not go that night, for it was dangerous. There is a company formed for the purpose of burning and shooting, called the Red Cow Lick. I am a member of that company. I joined last October was a year ago. I went down to Jim Howell's to go in. There was present at that meeting Joe Dennis, Britain Beckwith, Wilson Dower, Sam Clemons, Jim Howell, and his two sons, Henry and Rufus. Wilson Dower was captain, Jim Howell was secretary, Sam Clemons was orderly. Jim Howell took in our names and swore us in. Do not recollect the oath, but we took one that we would all club together as one, to burn barns, and to shoot in neighborhoods where there was any Ku-Klux. If we told anything about it, the password, or anything about whose barn was burnt, the rest of the company would kill us. There is a great many who belong to the crowd. Do not know all.

his
 HARDY + STEWART.
 mark.

Taken before me this 19th day of December, 1870.

J. T. MOFFITT,
Justice of the Peace.

STATE
 vs.
 MERRITT JUDD, WILLIAM BATTLE, GREEN
 Stewart, Hardy Stewart, Joe Dennis,
 and Wyatt Bozlaw. }

J. H. Mims, complainant, being duly sworn, states that on Monday night, between 9 and 10 o'clock, the 5th day of December, 1870, I lay down about 8 or 9 o'clock; lay about twenty-five minutes, I awoke, and the barn was discovered to be on fire. I made an alarm as I went to the barn. Bursted the door open and found chaff burning in the barn. I went out then and the straw-pen was all on fire. Saw no person till some friends came to my relief. I lost all my wheat straw, about ten stacks of fodder, between seventy-five and one hundred bushels of wheat, cotton seed, peas, and a few farming tools. My cattle would have been burned had they not been turned out of the

lot. I saw tracks leading north from the barn, which I measured, (two different tracks.) They took the woods. Could see what direction they went. One was a medium size, the other was pretty large size.

J. H. MIMS.

Taken before me.

J. T. MOFFITT,
Justice of the Peace.

Thomas Mims, witness for the State, being duly sworn, states that he heard his father hollo. Was lying down. I got up and run out of doors; saw there was a building on fire at my father's. I ran back in the house, put on my shoes, and then started towards my father's. Got some over half way and was fired upon by some persons in the woods, close by the road I was going. They fired two shots east from my father's barn, which was on fire. I then returned the fire in the direction of their firing. I then went on to my father's barn. I found it all in flames, too late to do any good. I then loaded my gun and made my way back home to protect my own barn. Next morning I examined if I could see any tracks leading from the barn. I discovered two tracks from the place where I was fired on, going east. I followed the same tracks some four or five hundred yards, then they took the woods, still going east, in the direction of where William Battle, Hardy Stewart, and Joe Dennis lives. Distance about three miles. I think they shot at me. I heard the shot hit the ground before me. I think from the rattle of the leaves they struck the ground.

THOMAS MIMS.

George Holleman, witness for the State, being duly sworn, states that he heard Merritt Judd say that if the Ku-Klux would stop their barn-burning would stop. Conversation took place after Mr. J. H. Mims's barn was burnt. Was some four of us together talking about the burning of Mr. Mims's barn when Judd made the remark.

^{his}
GEORGE + HOLLEMAN.
mark.

Dick Mims, witness for the State, being duly sworn, states that he knows nothing more than what Geo. Holleman has just stated. Heard the same conversation. Knows nothing more about it.

^{his}
DICK + MIMS.
mark.

Handy Partridge, witness for the State, being duly sworn, states that on Monday night I passed up by Mr. J. H. Mims's; as I got into Mr. Mims's lane I saw some person inside of the field, (moon shining very bright,) about twenty steps from me, coming toward me from an east direction; I stopped still and the person stopped; I started on and the person squatted down, I thought to keep me from seeing him; I thought the person whom I saw in the field was Merritt Judd; there was no path nor road in the field where he was; I went on up the road to Mr. Mims's gate, then through the horse lot direct home; went in the house, pulled off my shoes; had been sitting there about half hour; my wife says, "Lord, what makes that light?" I then got up and went out of doors; my wife says, "It is Mr. Mims's straw-pen," which is about two hundred or three hundred yards from my house. About the time I got out of doors I heard Mr. Mims hollo "Help!" I then ran to help him; when I got there the barn and straw-pens were all on fire. Merritt Judd came to where I was packing cotton about one week ago; said if the Ku-Klux did not stop riding, that barns would be burnt.

Cross-examined by MERRITT JUDD:

Question. What right had you to think it was me you saw in the field?

Answer. You are always sneaking about like a sheep-killing dog.

^{his}
HANDY + PARTRIDGE.
mark.

Wyatt Boylan, witness for the State, being duly sworn, states that himself, Will Battle, Hardy Stewart, Joe Dennis, Andrew Davis, Henderson Nash, and Phil Beckwith, were the men to burn J. H. Mims's barn, straw, &c. It was burned last Monday night a week ago, about 10 o'clock. Hardy Stewart and Joe Dennis were the men that stuck the fire to the barn and straw; the rest of us was close by and saw them stick the fire to said barn and straw; Joe Dennis and Hardy Stewart both had matches in their pockets; they both had guns also, and after they had fired the barn and straw we then fell back in the woods, rather an easterly direction, and we saw a white man approaching with a gun in his hands; Joe and Hardy fired off their guns at the man they saw coming up the road; the guns they had were muskets; the white man then shot

at us; we then run down toward the creek; we then went across the creek to Will Battle's house; got there, I think, about 11 o'clock; nobody at his house except his own family, which was his wife and three children; we all met in an old field near Prince's Chapel between 7 and 8 o'clock; we met on Saturday evening before; the barn was burnt on Monday night, and made arrangements to burn Mr. Mims's barn; we talked over what we were going to do; Hardy Stewart was captain of the crowd; we have a company made up for the purpose of burning barns, &c.; I joined last January; Hardy Stewart and Joe Dennis were the first men who told me of such a company; I joined near Holly Springs, in the woods; Jim Howell was the captain; there was about fifteen present at that time; they told me how to make a bow, so I could tell who belonged to the company—bow the head and raise both hands; they gave me a word, which was "Red Cow-Lick" the orders was for us all to be dressed in black when we met; they told me if I told it they would kill me. After I joined, we made a meeting place at my house; we met once a week or oftener; we burnt Mr. Mims's barn because we had a grudge at him for a whipping that Will Battle got *during the war*; we burnt John Boman's barn; the crowd that was along was Will Battle, Joe Dennis, Hardy Stewart, Henderson Nash, and Andrew Davis; Joe Dennis was the person who applied the match to Mr. Bozlan's barn.

Cross-examined by HARDY STEWART:

Question. When did you hear me say anything about burning barns?

Answer. On Saturday night, before Mr. Mims's barn was burnt on Monday night.

Question. Were we together that night Mr. Mims's was burned?

Answer. We were together.

Cross-examined by WILL BATTLE:

Question. Were you at my house Monday night that Mr. Mims's barn was burnt?

Answer. I was there.

Question. What was I doing the night Mr. Mims's barn was burned?

Answer. You laid down and went to sleep after we got back to your house from Mr. Mims's barn.

Question. Where did you lay the night Mr. Mims's barn was burnt?

Answer. I laid in one of your children's bed.

Question. Who saw you?

Answer. Will Battle saw me at his house that night.

Question. Did you not tell me that Mr. Thomas was mad with you, and he said you and Vacey set the barn on fire?

Answer. No, I did not.

Cross-examined by HARDY STEWART:

Question. Did you and I ever meet near Holly Springs to join fire company?

Answer. We met there for the purpose of joining the "Red Cow-Lick," they call it.

Question. When did we meet?

Answer. Last January.

Question. What time in the month?

Answer. Do not know.

Question. How many of us met there?

Answer. About fifteen.

Question. Who were they?

Answer. You were one; Will Battle, Joe Dennis, Henderson Nash, Andrew Davis, Jim Howell, and don't recollect the balance.

Question. How many a times a month did we meet?

Answer. Once a week.

Question. What night in the week did we meet?

Answer. Had no particular night to meet—Monday night or any other night.

Cross-examined by HENDERSON NASH:

Question. Where was I living the night Mr. Bozlan's barn was burned?

Answer. At Mr. Ragland's place.

Question. Where did I come from, the night Mr. Bozlan's barn was burnt?

Answer. You came from home.

Question. Who did I come with?

Answer. You came by yourself.

Question. Did you see me the night Mr. Bozlan's barn was burnt?

Answer. I did.

Question. What did I do that night?

Answer. You went along with us to burn the barn.

Question. Who set the barn on fire?

Answer. You, as much as the rest.

Question. Do you know I set it on fire?

Answer. You were certainly along.

Question. What night was the barn burnt?

Answer. Wednesday or Thursday night.

Question. Where did I stay that night?

Answer. Went on back in your own settlement.

Question. Who came after me that night?

Answer. You were along when we made the plot to burn the barn, and come yourself.

Question. What did we fire the barn with?

Answer. Matches.

Question. Was the agreement for us to burn the barn made at Prince's Chapel?

Answer. It was.

Question. Where did I sleep Saturday night before Mr. Mims's barn was burnt?

Answer. You started back home.

Question. Did you see me there that night Mr. Mims's barn was burnt?

Answer. I saw you there.

Cross-examined by ANDREW DAVIS:

Question. Did you and me ever go to join any sort of company?

Answer. You was along.

his
WYATT + BOZLAN.
mark.

Taken before me, the undersigned, 17th day December, 1870.

J. T. MOFFITT,
Justice of the Peace.

STATE
vs.
WILLIAM BATTLE. }

William Battle, the defendant, being brought before the undersigned justice, charged according to the annexed warrant, and being put on his examination, states that Luke Olive did come to my house on Monday night that Mr. J. H. Mims's barn was burned. He came in, set a while. Hardy got up, went out doors, tapped on the door, and Luke got up and went out. They shot off a gun. Hardy called me to the door, and told me he and Luke were going to raze around to-night. I told them it was too light. I knew nothing about a company called the Union Club, or to burn, or anything of the sort. I did know they were coming over to burn Mr. Mims's barn after Hardy remarked they were coming over the creek to raze around. Luke Olive said they were going to burn Mr. Mims's barn. I told them it was too light night, and it was dangerous for them to do that as light as it was. I knew when Hardy came back and asked him what for luck they had, &c.

his
WILL + BATTLE.
mark.

Taken before me the 20th day of December, 1870.

J. T. MOFFITT,
Justice of the Peace.

Joe Dennis, witness for the State, being duly sworn, states that he and Hardy Stewart worked for Mr. Gasten Rollins. Hardy Stewart bought a box of matches Monday morning that Mr. Mims's barn was burned, at night, from Mr. Rollins. I worked all that day, and Hardy also worked for Mr. Rollins. Went to Will Battle's that night. Drod Stewart and Tony Mims was there; both sitting in the door, about 7 o'clock in the night, I thought. Hardy Stewart went with me to Will Battle's. I went in the house and lay down. Luke Olive came there after we got there; came in the house and sat down but a few minutes. Hardy Stewart got up and walked out. Hardy tapped the door; Luke Olive got up and went out, and they soon left. Will Battle knew where they were going, and what they were going to do. They wanted me to go with them to burn Mr. Mims's barn. Hardy asked me to go. I told him no, I would not go; I was sick. Hardy Stewart told me after he got back that he took an armfull of straw and put under the corner of the barn, next to the straw pen. When Mr. Mims's halloed, Luke Olive and Hardy Stewart run off. That is what Hardy told me. Hardy Stewart and Luke Olive were both armed, and told me that they shot at Thomas Mims, and tried their best to kill him. They also told me that Thomas Mims returned the fire, and they ran down toward the creek. I heard Luke say that they wanted to burn Mr. Mims's barn ever since he had been elected magistrate in the township. We all met at Piney Hill church, on Sunday, before Mr. Mims's

48 **CONDITION OF AFFAIRS IN THE SOUTHERN STATES.**

barn was burned, on Monday night following, and made the plot to burn Mr. Mims's barn Monday night.

his
JOE + DENNIS.
mark.

Taken before me the 17th day of December, 1870.

J. T. MOFFITT,
Justice of the Peace.

SUPERIOR COURT OF LAW,
Clerk's Office, March 6, 1871.

I, S. T. Petty, clerk of the superior court of law for Chatham County, State of North Carolina, do hereby certify that the foregoing is a true copy of papers on file in my office, and from the records.

Given under my hand and the seal of my office. Done at Pittsboro, Chatham County, North Carolina, March 6, 1871.

[SEAL.]

S. T. PETTY,
Clerk of Superior Court.
By WM. F. FOUSSIER,
Deputy Clerk.